



COMMUNITY NOW!

Independence from waiting. Freedom from institutions.

WRITTEN TESTIMONY IN OPPOSITION TO SENATE BILL 7

Submitted: February 26, 2013 to the Senate Health & Human Services Committee

**By: _____ on behalf of the Board of Directors of
Community Now!**

SB 7 is an extremely divisive piece of legislation that distracts from the obstacles to real and meaningful reform of Medicaid long-term services and supports. For decades, Texas has had an institutional bias at the heart of its long-term services and supports system, where publicly operated State Supported Living Centers (SSLCs) have been funded far above what is currently allocated for home and community-based supports. In recent years, funding for SSLCs has increased while Medicaid waiver programs providing home and community-based supports have been dramatically underfunded and wait times for services continue to increase. Medicaid waiver programs have also suffered significant cuts that have negatively impacted the quality of services provided to Texans with disabilities.

SB 7 aims to create cost savings and reform Medicaid services by placing virtually all aspects of long-term services from home and community-based waivers to nursing homes to private ICF-IDD facilities into a capitated managed-care pilot. However, SB 7 explicitly excludes SSLCs, at a cost of \$212,000 per person per month, from the pilot. Any cost savings and reform bill that excludes the single largest driver of long-term services costs from a pilot project is one that perpetuates the institutional bias and one that cannot rightfully be labeled a cost savings and reform bill.

Additionally, while Community Now! supports the drawdown of additional federal dollars to expand home and community-based services, it must be accompanied by a real investment on the part of the state to end the interest lists by providing individuals and families the full spectrum of supports based on their needs. Using federal dollars as an incentive to end our institutional bias means little if it is not also accompanied by a full commitment on the part of the Legislature to providing and funding not just basic services, but a complete menu of options that do not require years of waiting to access. Furthermore, any premiums assessed to families and individuals accessing long-term services must be charged on income-based sliding scale. If premiums are assessed to individuals and families accessing home and community-based services, premiums must also be assessed to individuals and families receiving services from an SSLC or other institution. Under no circumstances must inability or failure to pay a premium limit access to or disqualify someone from receiving services.

Meaningful reform also involves refusing to permit the development of smaller institutions by another name. Community Now! is concerned by and opposed to the development of “congregate housing” as a cost-saving housing model in SB 7. We are encouraged by the inclusion of additional funding for comprehensive behavior supports and by the indication that

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the pilot project will follow Person Centered Planning principles in designing service plans, but it is imperative that efforts in these two areas be extended and funded beyond the scope of SB 7 and made available to anyone receiving long-term services who requests them.

Community Now! is also encouraged that SB 7 references the need for stakeholder input, but would like to see specific details in the bill regarding what sort of stakeholder input will be collected, how it will be collected, and how the feedback will be evaluated.

For these reasons, Community Now! opposes SB 7 as currently written. Our future support for SB 7 is contingent on the introduction of a committee substitute that includes one or more State Supported Living Centers in any IDD managed-care pilot project, removes all its incentives for and references to the development of congregate housing, creates parity between institutional and community services with regard to any premiums assessed for those services, and explicitly details a thoughtful process for the collection and evaluation of substantive input from diverse stakeholders.

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