



Presentation to Senate Committee on Health and Human Services

Interim Charge #12
February 23, 2010

Elizabeth Tucker
EveryChild, Inc.

EveryChild, Inc.

EveryChild, Inc. is a contractor of the Texas Human Services Commission and is legislatively authorized under SB 368 to ensure that children with developmental disabilities have the opportunity to grow up in families.

EveryChild works closely with families, community members, providers, facilities, and state agency staff on the development of family-based options for children who are medically fragile, children who have intellectual disabilities, and children who have behavioral challenges

Recent long-term service and support changes that have benefited children

- Increased number of waivers
- Medicaid Buy-In for children with disabilities
- Personal Care Services for children added to Texas Medicaid's Comprehensive Care Program
- Riders to Appropriations that have allowed individuals with most significant disabilities to receive services in the community, specifically Rider 45 of the 80th Texas Legislature

Challenges

1. Individuals are sometimes not able to access the support they need because the service is not covered by the waiver for which they are eligible
2. Direct care rates in some of Texas' 1915(c) waivers do not adequately allow for delegation of nursing and behavioral supports
3. Children who are medically fragile are aging out of Texas Medicaid's Comprehensive Care Program and losing needed services
4. Children with behavioral challenges cannot get the support that they need to continue to live with their families

What is Needed

1. Equitable and comprehensive service packages across waivers regardless of the individual's diagnosis

Currently Texas has a number of 1915 (c) Home and Community Based Waivers all with different eligibility requirements and with varying packages of service. An individual might meet eligibility for one waiver, but need the service that is funded in another. Service packages should include, but should not be limited to:

- Support Family Services
- Positive Behavioral supports
- Respite
- Nursing
- Personal Assistance Services
- Habilitation
- Etc.

2. Adequate direct care rates in the waivers to support the provision of nurse delegated services and direct behavioral interventions

Although the waivers allow for nurse delegation of certain tasks many individuals are being told that their nurse will not delegate. A potential remedy is to pay direct care workers an amount that attracts a stable workforce and allows for delegation.

The same is true for direct care workers that support individuals with significant behavioral challenges. There is a need for stable, trained and competent direct care workers that are paid an adequate rate that allows for quality services and staff retention.

3. Waiver for adults who are medically fragile and no longer qualify for Texas Medicaid's Comprehensive Care Program due to age

Texas Medicaid's Comprehensive Care Program provides all medically necessary services for children under the age of 21. When these children turn 21 the package of supports and services funded by Medicaid is drastically reduced. A small number of these individuals have medical complexities that are not well served in the current Texas Medicaid waivers that serve adults.

3. Waiver for adults who are medically fragile and no longer qualify for Texas Medicaid's Comprehensive Care Program due to age

- Transition process that is seamless to individuals and their families with no significant change in providers or process
- Array of services that is extensive and includes Support Family Services and home health aides
- Provider base that understands the needs of a medically complex population
- Cost cap that is sufficient to allow individuals to live in families
- Support coordination that is supportive of the individual while understanding coordination of health care resources

4. Inclusion of Positive Behavior Supports in Texas Medicaid and Medicaid waivers

The development and implementation of a positive behavior support plan for children with behavioral challenges is critical and enables families to continue to care for their children in their homes and communities and avoid more restrictive costly services. States such as Kansas have included the provision of PBS in their Medicaid state plan. Texas could pay for such a service under Medicaid Rehabilitative Services and in all of the waivers similar to what was included in the CLASS, HCS and DBMD waivers.

Contact Information

Elizabeth Tucker

EveryChild, Inc.

8400 N. Mopac #201

Austin, Texas 78759

(512)342-0543