

# Lifting The Fog

Surrounding Texas' State Support for  
People With Developmental Disabilities



# About JNine3 Consulting

- JNine3 is an entity created for one purpose...to Listen and Serve. With that mission, JNine3 seeks to advocate on behalf of God's children in need of a voice. We also work with non-profit organizations serving those most challenged.
- Offering our services at no charge, JNine3 Consulting strives to help organizations identify all the factors affecting their business. We use this insight to find new opportunities, yielding returns greater than their original objective.
- JNine3 was formed by Clay Boatright in 2006 to affirm that everyone, no matter what their abilities, have skills designed by God himself and can use those skills to demonstrate God's work in their lives.

9 <sup>1</sup>As he went along, he saw a man blind from birth. <sup>2</sup>His disciples asked him, "Rabbi, who sinned, this man or his parents, that he was born blind?" <sup>3</sup>"Neither this man nor his parents sinned," said Jesus, "but this happened so that the work of God might be displayed in his life."

- John 9:1-3 (NIV)

# Tips for Special Needs Parents

- If you are the parent of a special needs child, these five suggestions are a must:
  - ❖ **Get on the Texas Medicaid-waiver waiting lists** for state services. Family income is not a factor for your child to get the help he or she deserves. This presentation can help you get started.
  - ❖ **Create a special needs trust** for your child. These are not for the wealthy, but for anyone who wants to provide for their child beyond the state services. A lawyer with experience in special needs trusts can set one up.
  - ❖ **Get help at home.** Ask friends and family to assist, or hire someone if necessary. Also, take advantage of all community programs available. God has blessed you with a special child, and it is your obligation to share your unique blessing with as many people as possible.
  - ❖ **Find a church home** that welcomes you and your unique family. You need ongoing support through fellowship and your child needs exposure to God's Word. In addition, fellow church folk deserve the opportunity to administer God's grace.
  - ❖ **Get involved.** It may be hard dealing with today's challenges, but there are schools, non-profit organizations, and support groups which can help you, and who need you.

# Background

- According to a report issued in 2010, Texas ranks 49<sup>th</sup> among the 50 states and District of Columbia in support for people with autism and/or other developmental disabilities.<sup>(1)</sup>
- The challenges of caring for a family member with a disability can be daunting. The myriad of services, eligibility requirements, variances by county, etc., can make “understanding the system” almost impossible for the average person.
- This report attempts to explain some (but not all) of the services available for Texas residents. The definitive authority on Texas programs is the Texas Department of Aging and Disability Services (DADS). Contact information for the administering authorities in the Dallas area are included at the end of this report.
- Services often change and may evolve beyond what is described here. Any individual questions and/or decisions made concerning state support should be addressed to DADS or its associated agencies.

# Federal Programs & Income Eligibility

- Some disability assistance programs limit eligibility based on family income. Once a recipient turns 18 years old, only his or her income is considered, not the family's.
  - ❖ Many state and federal programs require the disabled adult to have less than \$2,000 in personal assets. In addition, these programs may have different limits on the recipient's income for maintaining eligibility.
  - ❖ A special needs trust is a legal entity which can hold unlimited funds designated to assist a person with special needs. Placing the disabled adult's assets in this trust legally maintains their "low income" eligibility for programs. Contact your lawyer for more information.
  
- Supplemental Security Income (SSI) is a Federal income supplement program funded by general tax revenues (not Social Security taxes). This is the primary **income source** for most adults with developmental disabilities.
  - ❖ It is designed to help aged, blind, and disabled people, who have little or no income; and provides cash to meet basic needs for food, clothing, and shelter.
  - ❖ <http://www.socialsecurity.gov/ssi/index.htm>
  
- Medicaid provides **medical assistance** for low income families and many individuals with disabilities.
  - ❖ Medicaid is an "entitlement program", meaning that if someone meets the eligibility requirements, the state must provide certain services within federal guidelines.
  - ❖ The Texas Medicaid program is administered through the Health and Human Services Commission. [http://www.hhsc.state.tx.us/medicaid/med\\_info.html](http://www.hhsc.state.tx.us/medicaid/med_info.html)

# Texas Programs with Income Requirements

- The Texas Home Living Program (TxHmL) provides up to \$15,000/year to people **waiting for HCS** (see page 8) **and have a diagnosis of mental retardation or a related condition with an IQ of 75 or less.**
  - ❖ Recipients must be Medicaid-eligible, are not enrolled in another Medicaid Waiver program, and have chosen not to participate in the ICF/MR program (eg: large group homes)
  - ❖ Services include day habilitation, employment assistance, skilled nursing, physical and occupational therapy. Recipients must live in their own home or with their families.
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/txhtml.html>
  
- Primary Home Care (PHC) provides personal care services to assist **Medicaid eligible adults and children** with everyday living.
  - ❖ Provides up to 50 hours per week of in-home assistance. Service include bathing, dressing, grooming, toileting, meal preparation, feeding, housekeeping, laundry, shopping
  - ❖ Recipients must be eligible for Medicaid
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/phc.html>
  
- In-Home and Family Support Program-MR (IHFS-MR) provides up to \$2,500 per recipient, and is primarily a stop-gap program for **families waiting for Medicaid Waiver programs.**
  - ❖ Services include, special equipment & architectural modifications to home, health services, counseling and training services, home care services and transportation, respite care
  - ❖ Eligibility is based on financial, diagnosis, and residency need factors. A co-pay is required for those whose annual income is between \$68,616 and \$98,022.
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/ifs-mr.html>

# Medicaid Waiver Programs - Overview

- Medicaid waiver programs allow recipients to receive support in the community rather than in institutions, and to receive Medicaid funds. Applicants must be eligible for Medicaid.
  - ❖ “Waiver” indicates that certain Medicaid requirements and restrictions do not apply to these programs. For minors, the financial resources of the family are not considered when determining eligibility, except for TxHmL. In some cases, services not traditionally covered by Medicaid are covered here.
  - ❖ A special needs trust (Page 5) can help the individual maintain their service eligibility.
  
- Medicaid waivers are not entitlements, meaning that the number of “slots” available is dependent on funding from the state legislature. Historically, the number of slots available has been fewer than the number of people requesting services, resulting in waiting/interest lists. Services are then provided on a first-come, first-serve basis. The wait time for some services may be as long as 8 to 10 years.
  
- It is important for families to place their child’s name on the waiting lists for all programs for which their child may be eligible. Assessments are not performed until the slot becomes available, which may take years. Placement on “the lists” allows for future options, and does not obligate the family to accept those services once their child’s name comes up. Get started by clicking on: <http://www.dads.state.tx.us/services/index.cfm>

# For Cognitive Disabilities – HCS and CLASS

- Home and Community Based Services (HCS) provides services to individuals **who have a diagnosis of mental retardation or a related condition with an IQ of 75 or less** who either live with their family, in their own home, in a foster/companion care setting or in a residence with no more than four individuals who receive services.
  - ❖ DADS maintains a statewide HCS waiting/interest list. The local mental retardation authority (MRA) assists DADS in maintaining this statewide list for its local service area. The MRA registers individuals in its area on the list and conducts an annual contact with those they register to determine their continued interest.
  - ❖ Recipients must have a determination of mental retardation in accordance with state law, and be eligible for SSI/Medicaid. Both children and adults are eligible for services.
  - ❖ Services include minor home modifications, adaptive aids, day habilitation, supported employment supported home living, nursing, PT/OT & counseling therapy, respite care
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/hcs.html>
  
- Community Living Assistance and Support Services program (CLASS) provides home and community-based services to people with a **cognitive disability** (other than mental retardation) **that originated before age 22.** (ie: autism)
  - ❖ Recipients must be eligible for SSI/Medicaid. Both children and adults are eligible for services, though the disability must have occurred before age 22.
  - ❖ Services include minor home modifications, adaptive aids, day habilitation, prevocational support, nursing, physical/occupational therapy, respite care
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/class.html>



# For Physical Disabilities – CBA and DBMD

- Community Based Alternatives (CBA) provides home and community-based services to people who are **elderly, and to adults with physical disabilities**, as a cost-effective alternative to living in a nursing home.
  - ❖ Recipients must be over 21 years old, have a physical disability, and meet the medical necessity criteria for nursing home care.
  - ❖ Services include minor home modifications, adaptive aids, assisted living and residential care, nursing services, home delivered meals, physical/occupational therapy, respite care
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/cba.html>
  
- Deaf Blind/Multiple Disability (DBMD) program offer services to adults who are **deaf and blind** and need 24 hour support.
  - ❖ Recipients must be deaf and blind and have a third disability which limits independent living
  - ❖ Clients may chose between living with assistance in their own home, with family, or in a group home
  - ❖ Services include an intervenor, adaptive aids, day habilitation, prevocational support, nursing, physical/occupational therapy, respite care
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/dbmd.html>

# Child Support Programs

- Early Childhood Intervention (ECI) is a statewide program for families with children, **ages birth to three**, with disabilities and developmental delays. After age three, services are provided through the local public school system.
  - ❖ All residents are eligible for ECI, regardless of income. However, there is a “cost share” provision based on household size and income. The maximum monthly fee ranges from \$0 to \$150.
  - ❖ Services include, early Identification, screening & assessment, occupational/physical/speech-language therapy, assistive technology, family counseling & education, medical services. Most services are provided in-home.
  - ❖ Full program information is available at <http://www.dars.state.tx.us/ecis/>
  
- Medically Dependent Children’s (MDCP) serves **children under age 21 who have significant medical disabilities**, and strives to de-institutionalize children in nursing facilities
  - ❖ Recipients must be under 21 years old, qualify for SSI, and meet the medical necessity criteria for nursing facility care
  - ❖ Services include respite, home modifications, adaptive aids, eligible children to participate in child care
  - ❖ <http://www.dads.state.tx.us/services/faqs-fact/mdcp.html>

# Waiver Services Comparison

SERVICE	CBA	CLASS	DBMD	HCS	MDCP	TxHmL	REIMBURSEMENT	COMMENTS
Adaptive Aids	✓	✓	✓	✓	✓	✓	Actual cost of item up to \$10,000 per service plan year. (\$4,000 for MDCP, \$6,000 for TxHmL.)	Additional requisition fee for CBA & CLASS.
Adjunct Support Services					✓		Hourly rate.	
Adult Foster Care	✓						Daily rate based on level of service. Individual pays room and board.	Foster home must be enrolled with Department of Aging and Disability Services (DADS). Must be age 21 or older.
Assisted Living	✓		✓				Daily rate. Individuals pay room and board.	See definitions for differences between CBA and DBMD services.
Audiology				✓		✓	Hourly rate.	
Behavior Communication Specialist			✓				Hourly rate.	See Psychology for similar services in CLASS and HCS.
Behavioral Support				✓		✓		
Case Management	✓	✓	✓		✓		HCS, CLASS: Monthly fee. DBMD: Hourly fee. CBA & MDCP: No fee, service provided by DADS case managers.	
Chore Services			✓				Hourly rate.	Service is not provided if it is available through another source.
Community Support						✓		
Day Habilitation			✓	✓		✓	HCS: Daily rate for level of need. DBMD: Hourly rate. TxHmL: Daily rate.	HCS: Up to six hours, five days, weekly. DBMD: Four or more hours, one or more days, weekly.
Dental	✓			✓		✓	HCS, TxHmL: Actual cost up to \$1,000 per year. CBA: \$5,000 annual limit.	
Dietary/Nutrition		✓	✓	✓		✓	Hourly rate.	
Emergency Response System	✓						Monthly rate.	
Employment Assistance						✓		See Supported Employment and Prevocational Services for similar services in HCS and CLASS.
Foster/Companion Care				✓			Daily rate based on level of need.	All ages qualify.
Habilitation Attendant/Habilitation Training		✓					Hourly rate.	Similar to Personal Assistance Services in CBA program.
Home Delivered Meals	✓						Per meal.	
Intervenor			✓				Hourly rate.	

SERVICE	CBA	CLASS	DBMD	HCS	MDCP	TxHmL	REIMBURSEMENT	COMMENTS
Minor Home Modifications	✓	✓	✓	✓	✓	✓	Actual cost with lifetime maximum: CLASS: \$10,000 HCS, MDCP, CBA, TxHmL: \$7,500 DBMD: \$5,000	HCS, CLASS, MDCP & CBA have \$300 annual allotment for maintenance/repairs, DBMD does not.
Nursing Services	✓	✓	✓	✓		✓	Hourly rate.	
Occupational Therapy	✓	✓	✓	✓		✓	Hourly rate.	
Orientation & Mobility			✓				Hourly rate.	
Personal Assistance Services	✓						Hourly rate.	Level of assistance based on individual need and plan of care. (CLASS: See habilitation attendant/training services.)
Physical Therapy	✓	✓	✓	✓		✓	Hourly rate.	
Prevocational		✓					Actual cost.	
Psychology		✓		✓			Hourly rate.	See Behavior Communication Specialist for similar services in DBMD.
Residential Habilitation Services			✓				Hourly rate.	Services in own or family home.
Residential Habilitation (24-Hour)			✓				Daily rate.	Services in group homes with three or fewer residents.
Residential Support				✓			Daily rate based on level of need.	Individuals pay room and board.
Respite Care	✓	✓	✓	✓	✓	✓	CBA, CLASS, DBMD, MDCP: Hourly rate. HCS: Daily or hourly rate.	Maximum 30 days per year in CBA, CLASS, DBMD and HCS. Up to full annual spending level in MDCP.
Social Work				✓			Hourly rate.	
Specialized Therapies		✓					Hourly rate.	
Speech/Hearing/Language Services	✓	✓	✓	✓		✓	Hourly rate.	Services for hearing disorders in DBMD only.
Supervised Living				✓			Daily rate based on level of need.	Individuals pay room and board.
Support Family Services	✓						Daily rate. Individuals pay room and board.	
Supported Employment	✓		✓			✓	HCS: Hourly rate. CLASS: Actual cost.	In HCS, can be provided in conjunction with Day Habilitation with a maximum reimbursement of \$3,172.50 (150 hours of service) per year.
Supported Home Living				✓			Hourly rate.	
Transition Assistance	✓	✓	✓			✓	One-time fee of \$158.28 for provider. Maximum \$2,500 for services.	
Service Coordination				✓		✓	Cost not part of program's plan of care. Paid as Targeted Case Management.	Provided by the local MRA

# How Does The HCS Process Work?

- Trying to understand how the support process works is not easy. To help “lift the fog”, here is an overview of the enrolment process for the largest Medicaid-waiver program, Home & Community Based Services (HCS).
  
- The State of Texas funds a certain number of HCS slots each year. **REGISTRATION ON THE HCS INTEREST LIST IS CRITICAL!!** Register with your local MRA, which can be located at: <http://www.dads.state.tx.us/services/index.cfm>
  - ❖ Once registered, the MRA will contact you annually to confirm your continued interest. You must respond to these contacts and keep your information current or you risk being removed from the list!
  - ❖ When funding is available, DADS will notify the MRA serving the next person on the statewide list and authorize the MRA to offer HCS to that person. If that person is you, they will contact you using the information provided. If the contact information is not current and they can not reach you, you may be taken off of the list and the next person will get your slot!
  
- The State of Texas contracts with providers to offer HCS services to individuals who have received an HCS slot.
  - ❖ You can change providers at anytime as long as you reside within Texas. Although there are programs that are similar in other states, your HCS slot (funding) does not go with you if you move to another state.

# Level of Need for HCS

- A level of need directly correlates to “how much money” is funded to an HCS slot. Each individual will still get the same array of services, however costs may vary based on each individual’s specific needs.
  - A Level of Need is based upon an individual’s abilities and needs, which is largely based upon an assessment tool called an ICAP (Inventory for Client and Agency Planning). The ICAP is initially conducted by an MRA and every 3 years afterward no matter who the provider is. An ICAP can be completed earlier than 3 years if a person has a significant change in his/her life (e.g., persons legs become amputated and now needs a wheelchair). A Level of Need is assigned 5 different numbers in the following order:
    - ❖ 1-Intermittent
    - ❖ 5-Limited
    - ❖ 8-Extensive
    - ❖ 6-Pervasive
    - ❖ 9-Pervasive Plus
- An example of a LON1 would be an individual described as having a high level of functioning but needs some assistance to complete daily living skills.
  - A LON 9 is an individual with serious behavior challenges. An example is someone whose behaviors are life threatening and require 1:1 supervision during all waking hours.

# Receiving HCS Services

- The services a consumer receives must be justified (ie: Physical Therapy is not provided when there is nothing wrong with a person's physical functioning). HCS consumers generally fall into one of three sub-programs, FCC, SHL, and RSS/SL
  
- Residential Support Services/Supervised Living (RSS/SL)
  - ❖ This is 24-hour care (group home setting) in which 3-4 consumers may reside. Most of the time, consumers have either a job or go to school during the weekday. There is a staff member that stays with the consumers throughout the evening/weekends. Also, the consumer will be enrolled either in RSS or SL, not both. The significant difference between RSS and SL is if the staff is AWAKE or ASLEEP in the house at night.
  
- Supported Home Living (SHL)
  - ❖ A provider hires someone who comes out to the consumer's home to provide a service. This service generally promotes some type of independence for the consumer (e.g., cooking skills, laundry, hygiene, or community skills). The consumer can receive the other types of services on the Individual Plan of Care (ie: dental, nursing, speech, etc.).
  
- Foster Care/Companion Care (FCC)
  - ❖ If the individual is 18 years or older, a parent or family member can be the Foster Care Provider.

# Finding a HCS Provider

- Once someone reaches the top of the waiting list, they are contacted by the MRA and given a list of perhaps 100 service providers from which you must choose one!
- The Texas Department of Aging and Disability Services (DADS) has an on-line resource that helps families find qualified local providers of Medicaid Waiver services. This information can be found at: <http://facilityquality.dads.state.tx.us>
- This site offers families a way to compare providers on the basis of data compiled in the DADS Quality Reporting System (QRS). All providers that DADS contracts with may be identified by county or zip code. The following is provided for each waiver provider:
  - ❖ The provider's administrative address and phone number
  - ❖ A listing of waiver services offered by the provider
  - ❖ Total number of individuals served by the provider in the provider's contract area. Note: Many DADS contracts cover a multi-county area. Zero denotes that the provider has received a contract to provide waiver services but currently serves no individuals
  - ❖ Violations of the waiver certification standards noted in the most recent local inspection
  - ❖ 36 month history of past regulatory compliance noting specific compliance deficiencies and steps taken to resolve the deficiencies

# Dallas-Area Contact Information

➤ The Texas Department of Aging and Disability Services (DADS)

- ❖ 701 W. 51st St.  
Austin, Texas 78751  
Phone: (512) 438-3011  
<http://www.dads.state.tx.us/>  
<http://www.dads.state.tx.us/services/>

For CLASS, call (877) 438-5658

➤ Dallas MetroCare Services  
(Dallas County)

- ❖ 1353 N. Westmoreland,  
Dallas, TX 75211  
Phone: (214) 333-7000  
<http://www.dallasmetrocare.com/>

➤ Lakes Regional MHMR Center  
(Rockwall County)

- ❖ P.O. Box 747  
Terrell, TX 75160  
Phone: (972) 524-4159  
<http://www.lrmhmrc.org/>

➤ LifePath Systems  
(Collin County)

- ❖ P.O. Box 828  
McKinney, TX 75070  
Phone: (972) 727-9133  
<http://www.lifepathsystems.org/>

➤ Denton County MHMR Center  
(Denton County)

- ❖ 2519 Scripture Street  
Denton, TX 76201  
Phone: (940) 381-5000  
<http://www.dentonmhmr.org/>