Public Policy Issues	Tab 17

Background:

A. State Policy Issues

TCDD staff will provide an update regarding recent public policy activities, including the implementation of legislation and the budget adopted by the 83nd Texas Legislature.

Discussion topics include:

- Senate Bill 7 Advisory Committee Appointments
- Settlement to Increase Community Options for Texans in Nursing Homes
- Guardianship Advocacy Activities

B. Update on State Supported Living Centers

The Committee will receive an update on recent advocacy activities involving State Supported Living Centers.

C. Federal Policy Issues

TCDD Public Policy staff will provide an overview of the status and implementation of various federal legislative initiatives that impact people with developmental disabilities. Additional information is provided in meeting materials.

Public Policy Committee **Agenda Item 7.**	**Expected Action:** The Committee will receive updates on these items and may make recommendations for consideration by the Council.
Council **Agenda Item 15. B.**	**Expected Action:** The Council will receive a report from the Public Policy Committee and consider any recommendations offered from the Committee.

SB7 Advisory Committee Appointees

Senate Bill 7 (2013) requires the transfer of the Medicaid long term services and supports system for people with intellectual and developmental disabilities (IDD) to a single managed care system by 2020. It also requires the executive commissioner of the Health and Human Services Commission to make appointments to a number of advisory committees meant to ensure meaningful and ongoing stakeholder input and process oversight. The committee appointments were announced on October 1, 2013.

More information regarding each of the committees is available at:

Intellectual and Developmental Disability (IDD) System Redesign Advisory Committee
STAR Kids Advisory Committee
STAR+PLUS Quality Council
State Medicaid Managed Care Advisory Committee

The new appointees represent various regions of Texas and include individuals with intellectual and developmental disabilities and their family members, long-term services and supports providers, primary and specialty care providers, as well as representatives from various advocacy and managed care organizations.

Intellectual and Developmental Disability (IDD) System Redesign Advisory Committee

Clay Boatright (chair), Plano, family member
Mickey Atkins, Austin, D&S Residential Services
Lynne Brooks, San Antonio, Disability Services of the Southwest
Ricky Broussard, Alvin, PAF Advocates
Kay C. Carlson, Houston, family member
John P. Delaney, Terrell, Lakes Regional
Susan Garnett, Fort Worth, MHMR of Tarrant County
Debbie Gill, Dallas, family member
Saul Herrera, Midland, Community & Senior Services of Midland
Kathryn "Katy" Hull, Henderson , Arc of Gregg County
Anthony V. Jalomo, San Antonio , family member
Gerard Jimenez , Austin, family member
Jean Langendorf, Austin, Community and Housing Services
Linda Levine, Bee Cave, Capital Area Easter Seals Rehabilitation Center
Amy Litzinger, Austin, family member
Janet Marino, McKinney, nurse
Susan Murphree, Austin, family member
Susan Payne, College Station, family member
Mary Stephney, Quinby, Rosenberg, nurse
Leah Rummel, Austin, UnitedHealthcare Community Plan of Texas
Carole Smith, Austin, Private Providers Association of Texas
David Southern, Granbury, Southern Concepts Inc.
Carl Tapia, Houston, Texas Children's Special Need Clinic
Cheri Wood, Tyler, parent
Ivy Zwicker, San Antonio, Autism Treatment Center-San Antonio

SB7 Advisory Committee Appointees

STAR Kids Advisory Committee

Elizabeth Tucker (presiding chair), Austin, Every Child, Inc.
Rahel Berhane, Austin, pediatrician with Seton Health Care
Christopher M. Born, Houston, Texas Children's Health Plan
Ernest Buck, Corpus Christi, Driscoll Health Plan
John C. Calhoun, IV, Houston, Medco Respiratory Instruments
Rosabla Calleros , Austin, Texas Parent to Parent
Catherine Carlton, Arlington, MHMR of Tarrant County
Bradley Fuhrman, El Paso, Texas Tech University HSC
Jeanne Hines, Port Arthur, teacher
Tara Hopkins, Austin, DentaQuest
Diane Kearns, Austin, parent
Stacey Mather, Austin, family member
Glen Medellin, San Antonio, UT - HSC
Holly Munin, Austin, Superior Health Plan
David Reimer, Dallas, Epic Health Services, Inc.
Blake Smith, Denison, Steps2Strides Therapy Center
Denise Sonleitner, Austin, parent
Martha Strong, Richardson, Children's Clinic of Richardson
Reynaldo Torres, San Antonio, University Health System
Angela Trahan, Houston, United Healthcare Community Plan
Rebecca White, Baytown, mother of child with disabilities

STAR+PLUS Quality Council

Cindy Adams, Austin, Superior Health Plan
Bennett Brier, Austin, consumer and family member
Catherine Robles Cranston, Austin, ADAPT of Texas/Personal Attendant Coalition of Texas
Salil Deshpande, Houston, UnitedHealthcare Community Plan TX
Karen Rose Dunaway, Austin, Girling Health Care
Laurie Greenberg, San Antonio, Molina Healthcare
Bob Kafka, Austin, ADAPT of Texas
Mary Klentzman, Plano, parent
Linda Lawson, El Paso, Sierra Providence Health Network
Mark Lenhard, Dallas, Grace Presbyterian Village of Presbyterian Communities and Services
David McMillan, Austin, STL Medical Supply
Susan Prior, Austin, Texas Parent to Parent
Jessica Ramos, Austin, Texas Council for Developmental Disabilities
Mavis Ravin, Dallas, REACH, Inc. of Dallas
Vanessa Sandoval, Harlingen, Texas Visiting Nurse Service
Jonathan Scepanski, Edinburg, Apex Primary Care, Inc.
Debra Wiederhold, Pflugerville, Texas Parent to Parent

SB7 Advisory Committee Appointees

State Medicaid Managed Care Advisory Committee

John Hellerstedt (chair), Austin, Seton
Deanna Abraham, Corsicana, Mosaic
Helen Baker, San Antonio, Consumer Directed Services in Texas
Trey Berndt, Austin, AARP
Dennis Borel, Austin, Coalition of Texans with Disabilities
Jay Buech, San Antonio, H-E-B
Grady Burris, Cedar Park, Texas Alliance for Long Term Care
Troy Carter, Houston, parent
Anne Dunkelberg, Austin, Center for Public Policy Priorities
Tamarah Duperval-Brownlee, Georgetown, Lone Star Circle of Care
Lynda Forehand, Murphy, parent
Paul Hain, Dallas, Children's Medical Center
Carlos Hernandez, San Antonio, WellMed Medical Group
Colleen Horton, Austin, Hogg Foundation for Mental Health
Harvey Laas, Richmond, AccessHealth
Adam Lalonde, Los Fresnos, Los Fresnos Dental Center
George Ledbetter, Austin, Girling Healthcare
Barbara Maxwell, Austin, Texas Association of Health Plans
Vipul Mankad, Austin, Loop 360 Healthcare Solutions
Soad Michelsen, San Antonio, Clarity Child Guidance Center
Amy Mizcles, Austin, ARC of Texas
Kristi Morrison, Houston, All Things Work Incorporated
Justin Olsen, San Antonio, Children's Hospital of San Antonio
Nancy Rice, Houston, Travis Medical Sales Corporation
Jennifer Riley, Dallas, Therapy 20000
Michelle Schaefer, Sonora, Sutton County Hospital District
Jan Scott, Houston, Texas Children's Health Plan
Betty Lee Streckfuss, Spring, McKesson
Doug Svien, Stephenville, Rock House Support Services
Donna Tyler, Dallas, consumer and parent
Silvia Vargas, El Paso, parent
Raquel Villarreal, McAllen, parent

Steward v. Perry **ADA Interim Settlement Fact Sheet**

The United States Department of Justice, the private Plaintiffs and the State of Texas have entered into an Interim Agreement intended to enable Texans with intellectual and other developmental disabilities who are 21 years of age or older to live in community settings rather than nursing facilities. The two-year Interim Agreement will serve at least 635 people with disabilities who are currently in nursing facilities or who are at serious risk of having to enter a nursing facility. The Interim Agreement calls for the State to begin expanding community alternatives to nursing facilities for persons with such disabilities, while the parties pause their ongoing litigation and negotiate a comprehensive settlement of all remaining issues in the case.

- **Overview**
  - The Interim Agreement partially addresses the Civil Rights Division's finding and the private Plaintiffs' allegations that the State of Texas failed to serve individuals with intellectual and developmental disabilities in the most integrated setting appropriate to those individuals' needs, in violation of the Americans with Disabilities Act (ADA) and *Olmstead v. L.C.* In addition, the Interim Agreement pauses the ongoing litigation in *Steward v. Perry* under the ADA and *Olmstead.*
  - The Interim Agreement requires the State to expand community-based services through Medicaid waivers and individual supports for over 600 people with developmental disabilities who are unnecessarily living in nursing facilities or who are at risk of unnecessary institutionalization in nursing facilities. The Interim Agreement begins to offer the opportunity to live an integrated life to some of the thousands of people with developmental disabilities currently segregated in Texas's nursing facilities and ensures that they will receive specialized services while they are still in nursing facilities.
  - Under the Interim Agreement, the State will begin providing community-based case management, educational activities about community living options, transition planning for people who want to move to the community, and services and systems to transition people to the community and divert others from admission to nursing facilities.
  - The Interim Agreement will help the State focus its resources on safe, individualized, and cost-effective community-based services that promote integration and independence and enable individuals to live, work, and participate fully in community life.
- **Relief in Interim Agreement**
  - Expansion of Community Services
    - Beginning in September 2013, the State will provide 635 home and community-based Medicaid waivers to help individuals with intellectual and other developmental disabilities leave nursing facilities and to prevent the unnecessary institutionalization of individuals who are at risk for entering nursing facilities.
      - 360 Home and Community-based Services waivers to transition individuals residing in nursing facilities to the community over the next two years.

        - 150 Home and Community-based Services waivers and 125 Texas Home Living Program waivers for individuals at-risk of admission to nursing facilities over the next two years.
    - Individuals with "related conditions" (e.g., cerebral palsy), who are living in a nursing facility or at risk of entry into a nursing facility, will be included in the State's Home and Community-based waiver program.
- Service Planning and Provision of Services
    - The State will conduct an assessment of all Texas nursing facility residents by August 31, 2014, to ensure that all residents who have an intellectual or other developmental disability are identified.
    - Service Planning Teams and Service Coordinators will be provided for all adults with a developmental disability who live in a nursing facility or are diverted from entering a nursing facility.
        - Service Planning Teams will convene at least quarterly, develop—through a person-centered process—a service plan to transition and serve each individual in the most integrated setting, monitor implementation of that plan, and provide the specialized services the individual needs while in the nursing facility.
        - Service Coordinators will meet face-to-face with individuals at least monthly, help implement the service plan, and educate individuals and families about available community supports and services. Service Coordinators will not be employed by the nursing facility.
    - Adequate medical, nursing, and nutritional management supports and services will be provided in the community.
    - Access to an array of integrated day, employment, recreational and other activities will be provided.
- Transition Planning
    - Information about community living options will be offered to individuals with intellectual and other developmental disabilities in nursing facilities at least every six months to allow individuals to make informed choices about where they want to live.
    - Community Living Discharge Plans will be developed for individuals who wish to transition to the community to ensure essential supports are in place before the individual moves.
    - Individuals who want to move and are eligible for a community-based waiver will be enrolled in a waiver within 180 days from the date that a waiver slot becomes available and will have opportunities to visit homes beforehand.

- Nursing Facility Diversion
  - Individuals with developmental disabilities will be identified before they are admitted to a nursing facility.
  - Individuals at risk of admission to nursing facilities will be educated about community alternatives to nursing facilities.
  - The State will establish Diversion Coordinators to identify and arrange community services for individuals at-risk of nursing facility placement so they can avoid being admitted to a nursing facility.
- Implementation and the Comprehensive Agreement
  - The Interim Agreement provides for a mutually agreed upon Expert Reviewer to assist the Parties in developing outcome measures to determine progress toward these reforms.
  - The Expert Reviewer will assist the Parties in developing protocols to gather data and ensure individuals' needs are being met.
  - The Parties will continue negotiating a comprehensive settlement agreement, expected to be complete within 150 days but may be extended if needed.

Settlement to Increase Community Options for Texans in Nursing Homes

August 28, 2013

Under a preliminary lawsuit settlement, Texas will expand community living options for adults with intellectual disabilities and related conditions in Texas nursing facilities, while also working to prevent unnecessary admission of individuals and to ensure people in the institutions obtain the level of services they need. The two-year interim agreement calls for the state to identify all people with developmental disabilities in nursing facilities by Aug. 31, 2014, inform these individuals and family members about community options, and help individuals who want to move to the community to do so.

The lawsuit, *Steward vs. Perry*, was filed by six adults with intellectual and developmental disabilities, The Arc of Texas and the Coalition of Texans with Disabilities in December 2010. The lawsuit alleged that state officials violated the Americans with Disabilities Act and other federal laws by segregating about 4,500 Texans with intellectual and developmental disabilities in nursing homes and failing to provide needed treatment and services.

The interim agreement was filed on August 19, 2013, and the U.S. District Court in San Antonio approved the interim settlement on Aug. 26. It is designed to resolve as many issues as possible for now and suspend any legal action until July 1, 2015, when the parties hope to reach a final agreement.

Beginning in September 2013, the State will provide Medicaid waivers to help 635 adults with intellectual and other developmental disabilities, 21 or older, to leave nursing facilities or avoid unnecessary admissions. The Texas Legislature allocated funding for 360 Home and Community-based Services waivers to help individuals transition out of nursing facilities over the next two fiscal years. To prevent nursing home admissions, 150 people will receive services from the HCS waiver program and 125 people will receive services from the Texas Home Living waiver program.

The interim agreement offers meaningful opportunities for people like plaintiffs Eric Steward of San Antonio and Benny Holmes of Dallas. Eric recently moved to the community after spending nearly a decade in a nursing facility. Benny moved to a community home two years after being placed in a nursing facility, and he now has his own room, wheelchair and regular physical therapy.

The other plaintiffs in the case are Andrea Padron and Linda Arizpe of San Antonio, Patricia Ferrer of Dallas and Zackowitz Morgan of Houston. The plaintiffs are represented by Disability Rights Texas, the Center for Public Representation, and the law firm of Weil, Gotshal & Manges LLP. The U.S. Department of Justice also intervened in the case in 2012, on behalf of the plaintiffs.

More adults with developmental disabilities will be able to move out of nursing homes – or avoid admission – under a preliminary settlement in a lawsuit signed Aug. 26, 2013.

For More Information

Disability Rights Texas news release:
State of Texas, Lawsuit Plaintiffs Reach Interim Agreement Expanding Community Services and Opportunities for Persons with Intellectual and Developmental Disabilities in Nursing Facilities (pdf)

Steward v. Perry ADA Interim Settlement Fact Sheet

Steward v. Perry ADA Interim Settlement Agreement (pdf)

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Guardianship
Position Statement

The appointment of a guardian is a legal proceeding designed to promote and protect the well-being of the person.[1] Establishing a guardianship removes rights and privileges from the individual and assigns control to someone else. The Council believes guardianship should be granted only if all other alternatives are insufficient, and only to the extent and only for the length of time determined to be necessary, with annual reviews to determine if the guardianship can be terminated or reduced. The Council supports the position that individuals should receive support, education or training to develop their capacity to make decisions for themselves, so that the guardianship may be averted.

The Texas Probate Code requires that all guardianships be as limited as possible. The Council also supports the position that guardianship must be demonstrated to be the most appropriate and least restrictive alternative. When determined to be necessary, a guardianship should be tailored such that it is limited to only those specific areas in which surrogate decision making is likely to be needed. The individual's ability to make decisions should be developed and supported to the maximum extent possible, and guardianship should not decrease an individual's dignity or the right to make choices if there is no undue risk.

According to Texas Probate Code, Chapter XIII, a court may appoint a guardian with full authority over an "incapacitated person" or may grant a limited authority over an "incapacitated person" as indicated by the person's actual physical or mental limitations and only as necessary to promote and protect the well-being of the person. Texas Probate Code further defines "incapacitated person" to mean (A) a minor; (B) an adult who, because of a physical or mental condition, is substantially unable to provide for their own food, clothing or shelter; to care for their own physical health; or to manage their financial affairs; or (C) a person who must have a guardian appointed to receive funds due the person from any government resource.

The Council supports the position that such limitations in abilities must be carefully evaluated, with a presumption that persons with disabilities are competent and individual's decision-making abilities can be supported with education, training and/or assistance. Individuals may require assistance from others or accommodations based on their disability but still be able to make informed decisions based on their own preferences. Most importantly, the presence of a physical or mental disability or the age of an individual does not indicate the need for guardianship. The Council supports the position that the evaluation of a person's mental status must take into consideration and rule out any reversible conditions that can cause confusion and seeming incapacity before certifying the need for a guardian.

(Continued)

[1] Texas Probate Code, Sec. 602. Purpose of Guardianship.

The vast majority of people with disabilities, including intellectual disabilities, do not need guardians. An in-depth capacity assessment must be conducted prior to any guardianship hearing, focusing on the person's decision-making skills, experience, capacity and support system. The assessment should be conducted by a professional trained to administer and interpret an appropriate instrument related to need for guardianship. Additionally, there must be a mechanism for individuals to provide input during their own capacity assessment and guardianship reviews.

There are a number of alternatives to guardianship that should be explored before proceeding with a guardianship hearing. In the financial area, multi-party contracts, trusts, powers of attorney, representative payees, and money management programs may enable an individual to successfully manage financial issues without the necessity of having a **guardian of the estate** appointed. For health and programmatic concerns, the use of advance directives or surrogate decision-makers (under the Health and Safety Code) might prevent the need to establish a **guardian of the person**. Consideration should be given to providing education and support to develop decision-making skills and opportunities for additional experience.

If the alternatives are not sufficient to protect the interests of the individual, a guardianship hearing may be necessary. It is important that a judge carefully evaluates the qualifications and interests of a proposed guardian and gives special consideration to the nature of the relationship. It is also essential that an appointed **attorney ad litem** adequately represent the interests of the person for whom guardianship is being proposed, and that all attorneys ad litem appointed by judges in guardianship proceedings have been certified in guardianship law by the State Bar of Texas as required by the Texas Probate Code. Further, a professional evaluation of the individual by a physician or ~~psychologist~~ psychiatrist must clearly indicate how the individual's disability affects his or her ability to make and communicate informed decisions and what proactive measures have been taken to maximize the ability of that individual to make and communicate informed decisions.

The Council supports the position that if a **guardianship of the person** is granted, it should be of the limited type in which the specific areas of needed assistance are listed in the order by the judge. The guardianship should encourage the development of maximum self-reliance and independence for the individual. Further, the required annual review of the guardianship must involve a serious consideration of whether it needs to be continued, modified or terminated, and a yearly report of this review must be filed in each guardianship. It is essential that annual reviews are not limited to a financial review, but also consider the individual's capacity and needs. Additionally, the judicial system must have the resources needed to make and review guardianship assessments. The Council further recommends that participants in the annual review should include, but not be limited to, the individual, the guardian, attorney ad litem, and an outside advocate/ombudsman.

It is estimated that many of the Texans with disabilities who do not have the capacity to provide informed consent for services, treatments or legal issues have no one to provide assistance in decision-making or even to serve as a guardian. Financial barriers (bonds and court costs) often prevent family members from serving in this role. The Council supports the position that the state of Texas should remove these barriers. Local guardianship and money management programs (supported in part by the Health and Human Services Commission) plus surrogate consent committees (for ICF-MR residents only) fill part of this gap, as do services provided by the Texas Department of Family and Protective Services. However, more resources are sorely needed in this area. Additionally, the Council believes that the state needs to establish statutory authority to regulate private professional guardians more closely.

Reviewed May 3, 2012

Guardianship

Texas Council for Developmental Disabilities public policy staff are engaged in a number of advocacy efforts during this legislative interim that will advance the Council's position on guardianship.

Network of Guardianship Stakeholders (WINGS)

The National Guardianship Network awarded an incentive grant and technical assistance to the Texas Office of Court Administration to establish a Texas Working Interdisciplinary Network of Guardianship Stakeholders (WINGS). The network, which includes TCDD representation, will:

(1) identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision-making options;
(2) address key policy and practice issues;
(3) engage in outreach, education and training; and
(4) serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults in, or potentially, in the guardianship and alternatives system.

Interim Advocacy Collaboration

A cross-section of groups, including organizations representing constituents with physical, mental, intellectual and developmental disabilities, seniors, and the legal community, including TCDD and Disability Rights Texas, are collaborating to develop policy recommendations that address opportunities and challenges associated with the guardianship system and the Texas Probate Code.

So far, this collaboration has developed policy recommendations for:

(1) a bill of rights for wards;
(2) supported decision making agreements, and
(3) alternatives to guardianship.

Bill of Rights for Wards

There are few legal processes more restrictive of citizens in a free society than guardianship. People in the guardianship system are referred to as wards throughout the Texas Probate Code. Guardians have a special responsibility for the rights of wards. This responsibility includes protecting wards' rights and supporting wards in exercising their rights and privileges. Because guardianship is seen as a broad restriction of rights, it is important that the individual under guardianship know their rights that they get to keep. Important rights that a person under guardianship should know that are not restricted include one's rights for due process, such as the right to have a copy of guardianship orders and have it explained in a way they understand; and rights around personal choice, such as the right to visit with

Guardianship

people of their choice - unless the court has determined otherwise. For individuals under guardianship, Texas Probate Code, Sec. 675A, states that wards have: "all rights, benefits, responsibilities, and privileges granted by the Constitution, and state and federal law, except where lawfully restricted." The direction ends there with no list of those rights.

TCDD staff are engaged in advocacy efforts to promote the individual's dignity and right to make choices when there is no undue risk by developing a bill of rights of a ward to be listed in code.

Supported Decision-Making Agreement

Supported decision-making is an informal alternative to guardianship intended to maximize the autonomy and exercise of rights by people with a disability.[1] It is broadly defined as individuals choosing people they trust to help them make decisions or have them interpreted, and to communicate their decisions to others.[2] Supported decision-making is an option of a more informal process that involves friends and family instead of specific court-appointed substitute decision-makers.

Supported decision-making promotes autonomy because it does not require a person with a disability to give up his or her decision-making rights under a guardianship based on the person's capacity. Even though guardianship orders can be limited to specific areas of a person's life or plenary, meaning all rights and privileges are revoked, both styles still reduce an individual's decision making authority and are usually permanent. Alternatively, supported decision making can be used as a temporary arrangement while an individual learns independence and new skills.

Texas is the only state with a pilot program designed to incorporate supported decision-making into the existing statute, according to research conducted by Disability Rights Texas. HB 1454 established a volunteer-supported decision-making advocate pilot program for persons with cognitive disabilities who live in community settings.[3] The Health and Human Services Commission delegated oversight of the program to the Department of Aging and Disability Services.[4] TCDD agreed to award funds for demonstration projects since neither DADS nor HHSC received appropriations for those projects. One grant was awarded for a project to The Arc of San Angelo.

TCDD staff are engaged in advocacy efforts to encourage the incorporation of supported decision-making agreements into the Probate Code as an alternative to guardianship.

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[1] *See* United Nations Enable, Handbook for Parliamentarians on the Convention of Rights of Persons with Disabilities Ch. 6 (2007), *available at* http://www.un.org/disabilities/default.asp?id=212 (providing a parallel but longer definition).
[2] *Id*.
[3] Volunteer-Supported Decision-Making for People with Cognitive Impairments - A Report on the San Angelo Alternatives to Guardianship Project: Prepared in Response to House Bill 1454, 81st Texas Legislature, Regular Session, 2009. Available at http://www.dads.state.tx.us/news_info/publications/legislative/hb1454-december2012.pdf
[4] *Id.*

Guardianship

Alternatives to Guardianship

Although the purpose statement for guardianship in Texas Probate Code includes the charge to maintain the maximum level of self-reliance and independence of the "incapacitated person", judges indicate they have no direction about how to achieve this goal. As such, courts routinely use full, or plenary, guardianship instead of alternatives to guardianship or even limited guardianship because it is the only clear course of action. Most of the alternatives already exist in statute, such as a medical power of attorney or representative payee, but they are located throughout the code and not referenced in one place. The only recommended alternative not included in current statute is the inclusion of a proposed supported decision-making agreement being developed by the interim advocacy collaboration.

TCDD staff are engaged in advocacy efforts to encourage the listing of specific alternatives to guardianship in the Texas Probate Code immediately following the charge relating to maintaining the maximum level of independence.

- Disability Scoop - http://www.disabilityscoop.com -

What The Shutdown Means For Disability Services

By Michelle Diament | October 1, 2013

As the first U.S. government shutdown in more than 17 years takes hold, some programs benefiting people with disabilities will continue with business as usual while others grind to a halt.

The shutdown, which began Tuesday, comes after Congress failed to reach a deal to fund the federal government for the new fiscal year starting in October. Under a shutdown, some services considered "essential" will continue operating while many other government activities will come to a standstill as 800,000 federal workers are sent home until a new budget takes effect.

Here's a look at how the shutdown will impact programs that people with developmental disabilities rely on:

SOCIAL SECURITY Benefit payments will continue to be distributed on schedule to individuals receiving Social Security and Supplemental Security Income. Local offices will be open, but only to perform select services.

MEDICAID Services provided by Medicaid will largely proceed as usual since an advance appropriation ensured that states receive funding for the program on Oct. 1. However, disability advocates say they are worried that the shutdown could exacerbate payment delays that providers of long-term services and supports are already facing. "The long delays have put many of our affiliates in almost untenable cash flow positions and further delays may cause some to cease Medicaid services," said Katy Neas, senior vice president of government relations at Easter Seals.

HOUSING The U.S. Department of Housing and Urban Development says it will not be able to provide further funding to local housing agencies during the shutdown. However, most local agencies already have enough money to fund rental assistance vouchers for the month of October, more than half of which help the elderly and people with disabilities.

SPECIAL EDUCATION Schools won't see much impact immediately, with states receiving $22 billion in special education funds on schedule this month from the federal government, the U.S. Department of Education said.

DISABILITY RIGHTS ENFORCEMENT The U.S. Department of Justice says that civil litigation, which includes the enforcement of disability rights laws like the Americans with Disabilities Act, will be "curtailed or postponed" to the extent possible.

RESEARCH Developmental disability surveillance programs — which track the prevalence of such conditions — will come to a halt during the shutdown, said Barbara Reynolds of the U.S. Centers for Disease Control and Prevention. Meanwhile, the National Institutes of Health will not make any new grant awards for research.

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