

Background:

A. State Policy Issues

TCDD Staff will provide an update regarding recent public policy activities.

Discussion topics include:

- Legislative Appropriation Requests (LARs)
 - Health and Human Services (HHSC) Agencies
 - Office of Court Administration (OCA)
- Sunset Review Activities

B. Update on State Supported Living Center Activities

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

Discussion topics include:

- Four Year Report about the state’s progress in meeting the terms of the DOJ Settlement Agreement
- State Supported Living Center (SSLC) Long-term Plan Input

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 including Home and Community Based Services (HCBS) Settings Rule Input, and Medical Marijuana.

Important Terms

Legislative Appropriations Request (LAR): a document prepared by each state agency and institution which details the amount of funding each agency is seeking from the legislature.

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 16. B.

Expected Action:

The Council will receive reports from the Public Policy Committee and consider any recommendations offered from the Committee.

Public Comment
Legislative Budget Board
Texas Judicial Council - Office of Court Administration
August 27, 2014

My name is Belinda Carlton and I am a Public Policy Specialist with the Texas Council for Developmental Disabilities (TCDD). TCDD is established by federal law and is governed by a 27 member board, appointed by the Governor, 60% of whom are individuals with developmental disabilities or family members of individuals with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

Today I am speaking on behalf of TCDD and the Guardianship Reform and Supported Decision-Making Group (GRSDM) workgroup about Exceptional Items 3 and 7 in the Office of Court Administration Legislative Appropriations Request.

The GRSDM came together in June 2013 to look at the need for policy reforms and less restrictive alternatives in guardianship. GRSDM includes individuals and groups likely to intersect with guardianship and representatives of the legal profession, family members and advocacy organizations that cross age and disability. Some GRSDM participants, including me, also contribute to the Working Interdisciplinary Network of Guardianship Stakeholders, a project of the Texas Supreme Court administered by the Office of Court Administration. Both groups are working to improve guardianship and advance alternatives, such as supported decision-making.

While many people appointed as guardians serve compassionately, often without any compensation, some guardians exploit and abuse those they are charged with protecting. According to the U.S. Government Accountability Office (GAO), incidents of mistreatment and neglect are increasing. They cite a primary cause is the court's failure to oversee guardians once they are appointed, allowing the abuse of vulnerable seniors and their assets to continue.¹ Examples of abuses in Texas were included in the GAO report.

The question of who is overseeing the guardian goes back to ancient times but its contemporary meaning remains clear: those with responsibilities for others must themselves be responsible. Many Texas courts are not guarding people under guardianship, in part because Texas has a decentralized

¹Cases of Financial Exploitation, Neglect, and Abuse of Seniors. United States Government Accountability Office. Retrieved August 19, 2014 from <http://www.gao.gov/assets/320/310741.pdf>

court system in which guardianship cases are handled in three different types of courts by judges who may or may not be lawyers and in part by the surge in guardianship cases associated with the rapid increase of aging Texans.

Exceptional Items 3 and 7 in the OCA legislative appropriation request are directed toward assisting our courts with guardianship cases. Exceptional Item 3 will establish a cloud based uniform case management system. Texas does not have a centralized reporting system for guardianship and we even have some rural courts without computers. If funded, this data system could help the state promote alternatives to guardianship. Expanded use of alternatives to guardianship is important for a few reasons. We do not have enough people to serve as guardians and, as Texans, the preservation of individual liberties and civil rights are values we share. Data could help us know if guardianship is legal, fraudulent, driven by the financial incentive, or if a guardianship is for the purpose of placing a person in an institutional setting, at a much greater cost for our state.

Our purpose is to preserve and protect the civil rights of persons under guardianship, including the right to live in their own home. Item 7 will fund five Guardianship Compliance Specialists to review applications for guardianship and annual reports by guardians and take proper steps when there are deficiencies or potential abuse and neglect. Above this, the specialists need to be trained to investigate whether the guardianship is necessary and if alternatives to guardianship would avoid the need for appointment of a guardian or enable a person under guardianship to move to a limited guardianship or to have the guardianship lifted and their individual liberty and civil rights restored.

We appreciate the commitment and creativity of the Office of Court Administration to enhance the capacity of our courts. Thank you for the opportunity to speak to you on the Office of Court Administration Legislative Appropriations Request.

Belinda Carlton, CPM
Public Policy Specialist

Attachment: TCDD Guardianship Position Statement
GRSDM Seven Priorities for Guardianship Reform and Supported Decision-making

State Supported Living Centers Settlement Agreement Update

The State of Texas entered into a Settlement Agreement with the U.S. Department of Justice (DOJ) in June 2009 to address concerns and deficiencies in the state's 13 State Supported Living Centers (SSLCs). The purpose of the Settlement Agreement is to: increase protections of SSLC residents; bring supports and services up to generally accepted professional standards of care; provide the most appropriate level of care to SSLC residents; and provide residents with information about and the choice to transition to the most integrated community placement possible.

The Settlement Agreement anticipated that Texas would implement all provisions of the Agreement at each of the SSLCs within four years of the Agreement's effective date, and sustained compliance with each provision for at least one year. The Settlement Agreement with the DOJ required independent monitors to provide an assessment of the status of compliance with its 20 substantive provisions after four years. *Monitors' Four-Year Report to Court and Parties* was released in June and provides explicit recommendations about how to improve SSLC services.

The Report identifies existing obstacles to substantial compliance; areas where the Monitors believe action is needed across the entire SSLCs system; and significant progress that should lead to substantial compliance, as well as a description of substantial compliance achieved. The Monitors provide overall comments, as well as recommendations for systemic actions, where appropriate.

The SSLCs have taken many actions to improve the quality and provision of protections, services and supports, and to work towards achieving substantial compliance. However, according to the report, the quality of service and support provided to residents varied across SSLCs and across Settlement Agreement provisions.

Overall, the SSLCs met the requirements for substantial compliance for about a quarter to one-third of the provisions. No SSLC exited from monitoring of any substantive provision, and only three SSLCs had achieved substantial compliance with any substantive section.

The monitors recommended that the state hire consultants to bring the state into compliance in three of the 20 substantive provisions: Section C - Protection from Harm – Restraints; Section T – Providing Services in the Most Integrated Setting Appropriate to Meet a Person's Needs; and Section U - Consent.

According to the report, at this rate, it appears unlikely that the State will meet substantial compliance with the majority of provisions anytime soon.

Resources

[Monitors' Four-Year Report to Court and Parties](#)

TCDD Related Content

[Public Comment – State Supported Living Center Long Term Plan](#)

Public Comment
Department of Aging and Disability Services Council
State Supported Living Center Long-term Plan
September 11, 2014

Good morning. My name is Jessica Ramos and I am the Public Policy Director with the Texas Council for Developmental Disabilities. Thank you for the opportunity to provide input to the Department of Aging and Disability Services (DADS) 10 year plan for the provision of services to persons residing in State Supported Living Centers (SSLCs). TCDD is established by federal law and is governed by 27 board members, appointed by the Governor, 60% of whom are individuals with developmental disabilities or family members of individuals with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

TCDD continues to commend DADS for implementing proposals from community advocates that we believe are improvements to the SSLC system. Specifically, we're very pleased with the significant commitment made by DADS to provide Person Centered Thinking training at all of the SSLCs and the opportunity provided to the Texas Advocates to train and support SSLC residents so that Self Advocate Voices are Engaged (Project SAVE) to create change for themselves and their community. DADS support of the enhanced transition work being done by Austin Travis County Integral Care at the Austin SSLC has been lauded by many and we would be remiss if we did not acknowledge the tremendous outcomes for individuals and the promising practices that we believe should be expanded throughout the system. We hope that the SSLC long-term plan will include and expand all of these practices.

TCDD has been making recommendations for the last several biennia to rebalance the system that serves persons with intellectual and developmental disabilities by expanding cost-effective policies that honor the choices of individuals to live in the most integrated setting to meet their needs, identifying and providing supports and services to meet the needs of persons when and where they need them, and transferring the anticipated savings so that more persons with disabilities have the opportunity to be included in their communities. The Sunset Advisory Commission Staff Report recommendations regarding the consolidation and closure of six SSLCs are consistent with our longstanding rebalancing recommendations and provide substantial supporting evidence that should be used as a primary resource in the preparation of the State Supported Living Center Long-term Plan.

The Council continues to support a moratorium on new admissions to SSLCs based on the circumstances necessitating the U.S. Department of Justice's (DOJ) involvement in the SSLC system and the lack of substantial compliance with about 70 percent of the agreement's provisions. The Council also supports the position that people with developmental disabilities should have access to high-quality services and supports wherever they live. Planning for substantial compliance with all of the provisions in the settlement agreement should be a central feature of the State Supported Living Center Long-term Plan.

The Sunset Advisory Commission recommends that the State Supported Living Centers should have the authority to be paid to provide services to community based waiver participants. The State Supported Living Center Long-term Plan should be explicit that resources should not be diverted or expanded to serve persons in the community until the state can demonstrate substantial compliance with the DOJ settlement agreement. The plan should lay out the circumstances that need to exist before undertaking a project that would require resources for a new billing infrastructure, program rules, monitoring and staff. The SSLC system has enough priorities to occupy the next decade without developing a new business model.

The DOJ settlement agreement regarding the 13 SSLCs in Texas sought to: increase protections of SSLC residents; bring supports and services up to generally accepted professional standards of care; provide the most appropriate level of care to SSLC residents; and provide residents with information about and the choice to transition to the most integrated community placement possible. The settlement agreement with the DOJ required the monitors to provide an assessment of the status of compliance. It was released in June and provides explicit recommendations about how to improve SSLC services. It is notable that the monitors recommended that the state hire consultants to bring the state into compliance in only three of the 20 substantive provisions: Section C - Protection from Harm – Restraints; Section T – Providing Services in the Most Integrated Setting Appropriate to Meet a Person’s Needs; and Section U - Consent.

In Section T, Providing Services in the Most Integrated Setting Appropriate to Meet a Person’s Needs, of the Four Year Report, the monitors question whether the state has the *capacity* to develop an acceptable community living discharge planning process and specifically recommends that the state hire consultants to work with all facilities on the development and implementation of adequate process. The monitors affirm that some transitions were significantly delayed and that some people who should have been recommended for transition were not. The State Supported Living Center Long-term Plan should include the expectation that DADS hire consultants to work on the discharge planning process so that people who can transition to the community do so with all deliberate speed.

In Section U, Consent, of the Four Year Report, the monitors identified the conflict relating to facility directors making decisions for individuals without guardians and considered to be incapacitated. It should be noted that federal case law finds that persons in institutions without guardians or involved family members who *can* live in the community but cannot express a preference should be provided with community-based services. TCDD supports the monitor’s recommendation for the state to employ an expert to focus on alternatives to guardianship that will support community living for people with disabilities. These alternatives should include the supported decision making methods that were reported to be working well in at least one SSLC.

To address both Section T and Section U, the State Supported Living Center Long-term Plan should require that DADS develop and implement a peer support program *for* individuals with IDD *by* individuals with IDD which will be a significant way to encourage more empowerment and choice. Peer support is currently being used by DSHS at state hospitals. TCDD recommends that DADS and the Department of State Health Services to collaborate to develop and implement a Medicaid funded peer support program to assist with supported decision making and community transition.

The State Supported Living Center Long-term Plan requires an objective review of census trends, consumer preference and quality of care. All of the other objective reviews have resulted in the acknowledgment that the profile of the system far exceeds demand and that people prefer to receive services in the community. The plan should lay out an expectation for fewer institutions and to bring services up to generally accepted professional standards of care for those remaining.

Thank you for the opportunity to provide input on behalf of the Texas Council for Developmental Disabilities.

Jessica Ramos
Public Policy Director

Home and Community Based Settings Rule Input

August 18, 2014

To whom it may concern:

Thank you for the opportunity to provide input on the Impact of Federal HCBS Rules on DADS 1915 (c) Waiver Programs. These comments are submitted on behalf of Disability Rights Texas, EveryChild, Inc., Texas Council for Developmental Disabilities and The Arc of Texas. The Department of Aging and Disability Services cultivates an inclusive environment in which stakeholders have ample opportunity to be involved in the development and modification of waiver program principles, rules, policies, procedures, and guidelines. As a result, many waiver features substantially meet expectations in the Federal HCBS Rule, but there is great variation in the degree to which each of the waiver's services comply. We would be remiss if we did not acknowledge that, until recently, we were unaware that the CLASS renewal triggered the assessment process for the other four waivers. Had we understood that, we would have engaged agency staff much sooner.

HCBS Transition

The Texas Legislature has instructed state agencies on a number of occasions to make program modifications in the interest of moving the system toward more efficiency and uniformity. The resulting processes occurred in silos, which we agree was necessary in the initial phases. The Federal HCBS Rule gives the state the opportunity to comply with these directives more meaningfully and systematically improve all of the waivers by streamlining their rules and requirements through assessing and developing remediation plans across all of the waivers by topic/service through extensive stakeholder input for each waiver.

It is difficult to provide meaningful input given that stakeholders only have access to the high-level six page summary document that covers five waiver programs. The ideal process would include the perspective of people with disabilities, their families, providers, advocates *and* state staff. Although we are reluctant to recommend an **HCBS Settings Transition Workgroup**, it is necessary to get meaningful input to determine how close Texas programs come to full compliance.

Fortunately, Texas has the opportunity to assess and remediate the waivers in advance of the transition of long-term services and supports into managed care. For this reason, the STAR+Plus waiver and its accompanying rules, policies and procedures must be included in the purview of a broader HCBS Settings Transition Workgroup.

The state is set on a course that will lead to a single functional long-term services and supports system. An HCBS Settings Transition Workgroup should be required to recommend that the most meaningful features of each of the waivers, those that support community integration and independence, be expanded to each of the other waivers as part of each waiver's remediation in preparation for the consolidation anticipated in future years. Example: HCS and Texas Home Living program rules are written such that they clearly recognize that the provision of respite in institutional settings is not a best

practice and we believe the same logic should apply to the other waivers without regard for what the Federal HCBS Rule allows. It is okay for Texas to be better.

We appreciate the acknowledgement that the Deaf Blind with Multiple Disabilities waiver program requires substantial remediation and we look forward to being included in that process. We recommend that the remediation plan start by building on the good work that has been done in other programs.

Person Centered Planning

When the CLASS waiver was developed, rules included Quality of Life Standards, similar to the HCS Principles, against which providers were held accountable. Over the years the language has been removed from the waiver and rules and de-emphasized. Although CLASS case managers and providers are required to receive training on person centered planning, it does not appear that providers are monitored and held accountable to the principles of person centered planning in the planning process. The Intellectual and Developmental Disability System Improvement Workgroup redesigned the HCS person directed planning (PDP) process based on best practices and with substantial stakeholder input that included self-advocates. The process was field-tested and all involved in the development of the process agreed that it should be expanded to other programs.

While we support expansion of HCS planning process, we also recognize that there are areas that need improvement. For example, although the HCS survey process ensures that the person is included in the PDP process and that PDP items are reflected in the implementation plan, there is no enforcement of the requirement that the person was involved in the development of the implementation plan. We can fix that.

Settings Assessment

We do not agree that all existing settings where HCS waiver services are delivered can be considered in compliance with the HCBS settings regulations because we are not confident that they can be adequately assessed without asking waiver participants. It is essential that the assessment of these settings include the perspective of the people living under the current state regulations. Unfortunately, anecdotal evidence suggests that the intent of the program structure and rules may not always be evident to program participants. Program participants report having bedtimes and being forced to go to day habilitation programs not of their choosing despite the fact that state staff report that the intent of program rules is not to default people into day habilitation settings at all and that choice of day habilitation settings, if desired, is required. What's more, providers report that it is their *right* to move people based on a "business decision" rather than the desire of the person making the move. It would be good to know the extent to which the participant experience differs from the intent of rule language in order to make improvements. Please find a way to solicit and integrate waiver participant perspectives into this process. Focus groups and participant surveys are being used by other states and may be a good way to achieve an inclusive process.

The Federal HCBS Rule provides Texas with the opportunity to truly assess and make improvements to waiver programs so that waiver participants will be integrated in and have support for full access to services in the greater community, including opportunities to seek employment and work in competitive integrated settings, to control personal resources, and to engage in community life in the same way as people who are not waiver participants. Certainly the fact that more than 25% of HCS waiver participants have no right to personal spending should specifically be addressed somewhere in future documents.

Day Habilitation Redesign

Although no guidance has been received on non-residential settings, all agree that there is major work to be done. We believe that sheltered workshops and provider-owned and/or controlled day service settings, as currently operated, should be presumed to be settings that isolate individuals receiving HCBS from the broader community. Let's take this opportunity to make the most of community-based integrated employment and community based integrated non-work. There is no need to wait for CMS guidance, especially because the Sunset Advisory Commission adopted a management action that would require DADS to create an advisory committee to address the redesign of day habilitation programs, including appropriate funding for services; reimbursable settings and services; staffing ratio requirements; safety requirements; and other required standards. In addition to community-based waiver providers, day habilitation facility owners, and advocates, we recommend an additional modification that the committee should include a substantial number of persons who use or have used day habilitation services.

Future Services Provided in Institutional Settings

The Sunset Advisory Commission recommends that State Supported Living Centers have the authority to be paid to provide services to community based waiver participants. The HCBS Settings Transition Workgroup should study and make recommendations about whether and how this can be implemented in light of the Federal HCBS Settings Rule.

Other Areas to Improve

We don't want to lose the unique features provided in some of the waivers and understand that there will continue to be variability in the services offered to individuals based on demonstrated needs. The provision of respite in MDCP, orientation and mobility and intervener services in DBMD, habilitation and specialized therapies in CLASS, and transition assistance available in some of the waivers are integral to supporting community integration and independence. We don't want to lose those, but there may be others who could benefit from such services. There are also waiver services that are meaningful and should be available to people in all of the waivers like supported employment and employment assistance.

Other areas where the rules need to be addressed or strengthened include:

- Visitability standards;
- unimpeded, private, and uncensored communication and visitation with persons of the program participant's choice;
- access to the religious services of one's choosing;
- co-location and spacing requirements that discriminate against persons with disabilities;
- self-advocacy and peer supports;
- rules that encourage the development or maintenance of maximum self-reliance and independence with a goal of self-sufficiency;
- limiting the use of assisted living facilities (ALFs) and, if continued in DBMD and STAR+Plus, program rules that prevent the isolation of individuals in "institution-like" settings;
- access to certain consumer directed services in group home and host home settings;
- service limits that limit access to the greater community or cause risk of institutionalization;
- a community living options information process that encourages the most integrated settings and includes ongoing information to people in group homes and host homes, not just for those in institutions; and
- uniform mandatory participation (program termination) requirements without sufficient due process protections.

These are all issues that need to be addressed regardless of the service delivery model especially in light of the system transition.

Again, because of our inclusion in the variety of stakeholder input opportunities provided by DADS, we are confident that the state is in pretty good shape in a lot of areas. But let's not miss an opportunity to improve our system and make it the best that it can be. It is hoped that the attached input will be integrated into future transition plan documents.

Respectfully submitted,

Susan Murphree, Disability Rights Texas

Elizabeth Tucker, EveryChild, Inc.

Jessica Ramos, Texas Council for Developmental Disabilities

Jeff Miller, The Arc of Texas

*The full 16 pages of comments are available at:

<https://hcbadvocacy.files.wordpress.com/2014/04/advocate-input-8-81-14.pdf>

TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES & EMPLOYMENT FIRST TASK FORCE
Comments on HCBS Settings Rule - Provided to HHSC and DADS
October 13, 2014

Good morning (afternoon). I'm Roger Webb, Executive Director the Texas Council for Developmental Disabilities. I'm also testifying today as Chair of the Texas Employment First Task Force Employment and want to focus these remarks on day habilitation services currently used by HCS, CLASS, and TxHmL waiver participants. While we appreciate that day habilitation programs were developed to meet real needs, our thinking about inclusion of individuals with intellectual and developmental disabilities has evolved over the past two decades. We believe that as currently designed day habilitation services isolate individuals from meaningful involvement in community activities and will require the state's attention to come into compliance with the new CMS HCBS settings rule.

Work is a fundamental value and aspiration in American culture. All people, including those with disabilities, gain many benefits from having a job. People are healthier, safer and happiest with meaningful work. They have relationships with co-workers, fewer health issues, and an increased sense of well-being. They report a greater sense of accomplishment, increasing their feelings of competence and self-worth, and contribute to the economy.

Many people with disabilities live at or below the poverty level, and earning income helps supplement their resources and improves the quality of their lives. Individuals with disabilities are much less likely to have a job than individuals without disabilities. In June of 2014, about 63% of working-age Americans were employed. In contrast, only 36% of people with disabilities in the United States were employed, and only 23.4% of people with cognitive disabilities. Data for Texans with disabilities is similar.

Employment First is a mindset that integrated competitive employment should be the expected outcome for people with developmental and other disabilities. Federal and state policy has paved the way to support opportunities for people with disabilities to have meaningful jobs in their communities. Texas is one of at least 42 states with Employment First efforts. The wide range of attention and emphasis on Employment First is encouraging, and it provides a potential catalyst for the long needed increase in workforce participation for individuals with disabilities. With an increasing emphasis on integrated employment and an Employment First philosophy, the nation is poised for transformation that could put Americans with disabilities on a path out of poverty and towards self-sufficiency.

The 83rd Texas Legislature passed Senate Bill 1226 that established that **it is the policy of the state that earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working-age Texans with disabilities who receive public benefits**. That legislation also established the interagency Employment-First Task Force to promote competitive employment of individuals with disabilities and the expectation that individuals with disabilities are able to meet the same employment standards, responsibilities, and expectations as other working-age adults.

I have provided copies of the Task Force's first report to the Legislature and policy leadership which includes more than 70 recommendations to various state agencies. Among those are recommendations to refocus day habilitation services provided in various Medicaid waivers including:

- HHSC and TEA should develop information for students, adults and families about the impact of employment on benefits and how work incentives can be utilized (including Social Security work incentives).
- HHSC, DADS and DARS should provide guidance regarding coordination of employment assistance and supported employment Medicaid waiver services with DARS vocational rehabilitation services, so that the individual receiving services experiences a seamless transition between agencies/providers as needed.
- HHSC should
 - ✓ Establish goals to increase the number of individuals in integrated, competitive employment and to decrease the number of individuals in workshops and sub-minimum wage.
 - ✓ Develop technical assistance and financial incentives for workshop providers to convert services to supported, competitive employment.
- HHSC enterprise agencies should provide staff training for front-line service delivery staff to implement employment services and supports in a way that will achieve integrated competitive employment outcomes.
- DADS should ensure that service coordinators and case managers should inform waiver program recipients on the availability of a person-centered planning (PCP) process as an Employment Assistance service delivery option. The PCP process includes discovery about employment options and planning for desired outcomes.

The Task Force also included recommendations concerning sub-minimum wage employment. Texas currently has more than 100 employers that utilize certificates from the Department of Labor to pay “sub-minimum wages” to individuals with disabilities working in sheltered workshops or enclaves. Sheltered workshops and enclaves typically do not promote full inclusion; do not generally teach readily transferrable or relevant work skills; and usually do not provide wages which allow workers to break the cycle of poverty.

Some workers with disabilities in Texas earn as little as 1 ½ - 10 cents per hour despite working for a highly profitable local business. A recent report reviewed studies in other states that indicate state’s save money by providing job coaches for individuals to be successfully employed rather than paying for the costs of sheltered employment. Over time, states receive more in taxes paid by those new employees, even considering the costs of job coaching, than they would have paid to keep those individuals in a sheltered workshop.

The EFTF recommends:

- ✓ HHSC and the HHS Enterprise agencies should adopt by September 1, 2016, a plan that provides funding to convert sheltered workshop/enclave work programs to individualized, community based employment services;
- ✓ By September 1, 2019, HHSC and the HHS Enterprise agencies should prohibit the use of state funds for programs offered in sheltered workshops and enclaves.

Texas and other states developed day habilitation programs, work activities centers and sheltered workshops recognizing the need to have viable day program options for individuals with intellectual and developmental disabilities. Those programs are incredibly important in the lives of many individuals, but they are also a legacy of our past. We realize now that we can do better. We also realize it will take considerable work by agencies and providers working together with self-advocates and families to design program options that people want and the resources and incentives for providers to make that transition. It may not be easy, but it is an opportunity for Texas to proactively move forward by ensuring that day programs provided in all Texas waivers comport with the principle and the spirit of the Employment First Policy now adopted by the Legislature. It’s important for people with disabilities, and it’s important for Texas.