HEALTH AND HUMAN SERVICES COMMISSION

Exofficio Report to Governor's Committee on People with Disabilities

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Executive Summary

Renewal of Determination That A Public Health Emergency Exists

Because of the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic, Xavier Becerra, Secretary of Health and Human Services, renewed the Public Health Emergency on April 12, 2022, with a new expiration date of July 2022. The Texas Health and Human Services Commission (HHSC) is working closely with state and federal partners to ensure essential services continue while ensuring service delivery stays within state and local guidelines for COVID-19. HHSC has a website dedicated to COVID-19 information:

- HHSC COVID-19 Communications

ARPA FMAP Implementation

HHSC obtained conditional approval on the proposed Texas Spending Plan from Centers for Medicare and Medicaid Services (CMS) on January 10, 2022. As a result of the timeline for receipt of conditional approval and changes to the scope of activities, revisions were required to the state's spending plan and narrative.

Three activities described in the prior version of the state's spending plan have been removed from the quarterly update because there is no longer sufficient time for implementation. These include: "Expand a pilot providing enhanced mental health services to people with IDD in the community"; "Assistance with HCBS project management"; and "Mitigate impacts of COVID-19 on provider compliance monitoring." Texas proposes to add two new activities in this update. This includes the following activities.

- "Direct care employer registry" seeks funding for the creation of a state-specific employment registry allowing direct care attendants and employers, including employers self-directing their care, to find the best fit for open positions (Activity 12).
- "Efficiency for program enrollment activities" proposes to improve the state's HCBS infrastructure by improving productivity and efficiency in enrollment activities through automation (Activity 22).

Texas has also identified technology needs to add to items already included and approved in the plan. More detailed information, including a list and description of all spending projects, can be found on the HCBS webpage. HHSC is committed to working with stakeholders including providers and recipients of HCBS services in Texas to inform future updates to this spending plan. Contact

Medicaid_HCBS_Rule@hhsc.state.tx.us for more information or to provide additional feedback.

COVID-19 Pop-Up Clinics for People with Disabilities

HHSC is partnering with the Valley Association for Independent Living (VAIL), the Texas State Independent Living Council (SILC), the Department of State Health Services (DSHS), and Tarrytown Pharmacy to provide a COVID-19 vaccine drive-thru pop-up clinic to people with disabilities, family members, and their caregivers. The clinic will be held in McAllen, Texas on June 22, 2022. A preregistration form will be available soon. For the clinic to make, a total of 25 people must preregister.

Promoting Independence Plan

ODSC is leading the charge for the 2022 Promoting Independence Plan. This aligns with ODSC's value of stakeholder engagement and mission to improve outcomes for people with disabilities through long-term solutions across the HHS system.

Our vision is to develop a strategic plan that capitalizes on the momentum in previous plans and focuses a path that supports successful community living through targeted goals and prioritized strategies.

ODSC is currently planning the following short- and long-term actions for stakeholder engagement:

- A release via Gov Delivery that echoes what is shared today, opens the door for recommendations and perspective, and provides further details of future stakeholder engagement
- A future stakeholder engagement summit that will invite stakeholders to further inform HHSC of their prioritized goals or recommendations.
- Courtesy review of the proposed 2022 plan if you participated or shared perspective in previous engagements.

If you have additional questions, email HHSCOfficeofDisabilityServicesCoordination@hhs.texas.gov.

Senate Bill 50 Implementation

Senate Bill 50 (S.B. 50), 87th Legislature, Regular Session (2021), directs HHSC to develop a process to evaluate the opportunities and employment services available to persons with disabilities enrolled in Medicaid waiver programs (HCS, TxHmL, DBMD, CLASS and STAR+PLUS HCBS) and to tailor their person-centered plan to maximize access to employment support services. HHSC is currently developing the uniform process for assessing employment goals and using goals in service planning process. In partnership with Texas Workforce Commission (TWC), HHSC is

also collecting data to determine the number of Medicaid waiver members who are receiving employment services; and whether the employment services are provided by TWC, through the waiver program in which an individual is enrolled, or both. This data will inform a report that will be submitted to the governor, lieutenant governor, speaker of the Texas House of Representatives, and legislature beginning in 2024. Additionally, HHSC is developing a Texas Administrative Code rules project to accomplish provisions of the bill relating to the employment initiative.

Money Follows the Person Demonstration Projects

Housing

The Intellectual, Developmental Disability and Behavioral Health Services (IDD-BHS) division received funds to help people leaving institutions secure and maintain housing. The project will:

- develop online modules for supportive housing case-managers on how to support people in accessing and using housing vouchers;
- develop and pilot a two-day boot camp for housing providers across the state to equip them with the tools needed to house people with complex health needs and help them maintain community tenure; and
- develop and conduct initial implementation of a Supportive Housing Learning Community for direct service housing staff and leadership at the Local Mental Health Authorities/Local Behavioral Health Authorities (LMHA/LBHA).

Community Transition Barriers for People with Serious Mental Illness

The Office of the State Forensic Director, the State Hospital System, Health and Specialty Care System and the Texas Institute for Excellence in Mental Health at the University of Texas-Austin are collaborating to conduct a study on external barriers to community transition for people with serious mental illness who are under forensic commitments in psychiatric hospitals. Many of these people have struggled to transition from a state hospital into the community due to external barriers, including judicial concerns over public safety and the availability of secure housing. However, many could potentially transition and live more independently in the community with home and community-based services and supports. This research study seeks to understand:

- how external stakeholders perceive barriers to transition for these groups; and
- what would be required to mitigate these barriers.

Home and Community Based Services (HCBS) Settings Regulation

In March 2014, the Centers for Medicare and Medicaid Services (CMS) issued the federal HCBS Settings Rule which added requirements for settings where Medicaid HCBS are provided. The HCBS Settings Rule requires that a setting must support a person's full access to the community, including opportunities to engage in community life, work in competitive integrated settings, and control personal resources. The final deadline for compliance is March 17, 2023.

HHSC is promulgating rules for Medicaid waiver programs, including the HCS, TxHmL, CLASS and DBMD programs, in order to comply with the HCBS Settings Rule. These draft rules were posted for informal comment from March 11, 2022 – April 1, 2022 and HHSC received many comments from providers, advocacy organizations, families and other stakeholders. HHSC staff are now reviewing the comments and finalizing the proposed rules prior to the formal posting for public comment in the Texas Register, which is expected by the end of July 2022. The rules will remain posted for 30 days, during which time a public hearing on the rules will occur, and all public comments will be considered before sending the rule to the Texas Register for adoption, scheduled for late-November 2022.

Blind Children's Program First Annual Deafblind Family Camp

The Blind Children's Program (BCP) deafblind team held an in-person camp event open to all families who have a child with combined vision and hearing loss who are enrolled in BCP services. Children's Association for Maximum Potential (CAMP) has extensive experience working with children who have a variety of needs, including multiple disabilities and combined vision and hearing loss. Campers and their families had access to a variety of accessible camp activities including horseback riding, archery, canoeing, ceramics, and arts and crafts. There was also a campfire on Friday and dance party on Saturday night.

The family camp took place April 22-24, 2022, in Center Point, Texas. It is the first, of what HHSC anticipates being an annual event. A total of 10 families participated to ensure appropriate social distancing and other COVID-19 precautions. Each family had their own cabin. ASL interpreters and Interveners were also welcomed to attend with families, as appropriate. In addition, 16 BCP staff attended to spend time with the children and families on their caseload and provide volunteer support. The supports provided made it possible for families to experience new activities together and have fun building lasting memories.

Follow-Up from Previous GCPD Meeting

Durable Medical Equipment and Precautionary Power Options

Precautionary power options such as back-up batteries or a generator may be Medicaid-allowable for individuals living in the community who rely on battery-powered durable medical equipment (DME).

Batteries

Back-up batteries provided for precautionary reasons may be covered as an allowable Medicaid expense through the Texas Health Steps (THSteps) Comprehensive Care Program (CCP) or the Home Health Durable Medical Equipment and Supplies (DME) Exceptional Circumstances provision with supporting documentation of medical necessity. Information regarding THSteps-CCP is available in the Texas Medicaid Provider Procedures Manual, Children's Services Handbook, Section 2 which requires states to provide all medically necessary treatment for correction of physical or mental problems to THSteps-eligible clients 20 years or younger, when federal financial participation (FFP) is available, even if the services are not covered under the state's Medicaid plan. The Exceptional Circumstances provision is made available in accordance with Title 42 Code of Federal Regulations (CFR) §440.70 and Title 1 Texas Administrative Code (TAC) §354.1039.

Under the Exceptional Circumstances provision, Texas Medicaid is obligated to consider case-specific coverage of medically necessary DME and supplies that are not currently listed as benefits of Texas Medicaid for clients who are 21 years of age or older. It should be noted that rented electricity or battery dependent DME is the responsibility of the DME supplier, who must ensure there is an appropriate and acceptable contingency plan to address any emergency situations or mechanical failures, and supply chain continuity. Depending on the Medicaid Home and Community-Based Services (HCBS) waiver program, precautionary batteries may also be covered in limited circumstances after all state plan and third-party resources have been exhausted.

Generators

Generators are not allowable for coverage under Texas Medicaid through THSteps-CCP or the Home Health DME Exceptional Circumstances provision. A generator may be covered under certain Medicaid HCBS waivers for eligible individuals. Back-up generators may be covered for individuals in the STAR+PLUS HCBS program as an adaptive aid. Back-up generators are not explicitly listed as an example of an allowable item for individuals receiving Medically Dependent Children's Program (MDCP) services, but the list is not exhaustive and may include back-up generators.

Emergency back-up gas-powered generators (limited to critical medical equipment) may be covered as a minor home modification in Community Living Assistance Support Services (CLASS) when need is assessed by an occupational therapist, physical therapist, or physician. Emergency gas-powered generators (limited to critical medical equipment) may be covered in Deaf Blind Multiple Disabilities (DBMD) when recommended by an appropriate licensed professional. Home and Community-based Services (HCS) and Texas Home Living (TxHmL) waivers do not allow for purchase of generators or back-up generators. In Medicaid HCBS waiver programs where a generator may be covered, it is only coverable after the individual has exhausted state plan benefits and any third-party resources.

For individuals receiving services in managed care, Managed Care Organizations (MCOs) may cover generators as a case-by-case service for non-waiver members or members who are in a waiver that does not cover generators. MCOs may cover costs or partial costs above the cost limits in waiver programs through case-by-case review as well in accordance with Title 1 Texas Administrative Code § 353.409(f).

Rider 83 Highlight

In accordance with the 2022-23 General Appropriations Act, Senate Bill 1, 87th Legislature, Regular Session (2021), HHSC is required to submit an annual report on the Independent Living Services (ILS) Program. The report can be located on the reports page at https://www.hhs.texas.gov/regulations/reports-presentations. The study will be conducted via a phased approach.

In the first phase of the study, the program is working to identify a contractor to assist with distribution of a survey to stakeholders to address the study parameters directly listed in the rider.

The purpose of the survey is to obtain information from Centers for Independent Living (CILs) and other stakeholders regarding their experiences with the ILS program, services available to individuals with disabilities, the effectiveness of service delivery, collaboration with CIL contractors, and ways to strengthen the program.

The survey will cover the utilization and maximization of funds to provide services to individuals with disabilities; progress on reducing administrative and operational costs; provision of No Wrong Door and wrap around services; collaboration with state and community partners; and efforts to increase the numbers of individuals served by the ILS program.

Additionally, the survey will seek input about the CILs being the sole providers for program services to evaluate the effectiveness of the ILS program's outsourced model and opportunities for improvement.

The target date for survey distribution is mid-April 2022. Stakeholders will have two to four weeks to complete the survey, and repeat attempts will be made to attract higher response rates. Stakeholders are encouraged to forward the survey to peers and partner organizations to cast a wider net and receive responses from a mix of partner groups. Those interested in receiving the survey or who know of organizations that should be surveyed, can email the ILS mailbox at, BlindandGeneralIndependentLiving@hhsc.state.tx.us

Senate Bill 968 Implementation

87(R) S.B. 968, Subchapter J requires wellness checks for medically fragile individuals during certain emergencies. According to the legislation, the definition of "Medically fragile individual" in this situation means any individual who, during a time of disaster or emergency, would be particularly vulnerable because of a medical condition, including individuals:

- (A) with Alzheimer's disease and other related disorders;
- (B) receiving dialysis services;
- (C) who are diagnosed with a debilitating chronic illness;
- (D) who are dependent on oxygen treatment; and
- (E) who have medical conditions that require 24-hour supervision from a skilled nurse.

The Texas Department of Emergency Management (TDEM) is the lead agency and last met with the Department of State Health Services (DSHS) and the Health and Human Services Commission (HHSC) in December to discuss bill implementation. We will report out more information as once updates are available.

Monoclonal Antibody Therapy Availability

During the last quarterly GCPD meeting, committee members raised an inquiry regarding monoclonal antibody therapy availability and HHSC's role in potential promotion or availability. DSHS is the lead agency on COVID-19. However, HHSC verified with DSHS that, as of January 27, 2022, only bamlanivimab/etesevimab are banned due to ineffectiveness against the Omicron variant; the ban is not on therapeutics. Furthermore, DSHS is not mandating therapeutics. Here is a resource on where specific therapeutics are located if people are interested. https://arcgis.com/apps/webappviewer/index.html?id=993e2c2079f8487cafcec74e00e84991

HHS Program Level Updates

Access and Eligibility Services (AES)

Texas 2-1-1 Texas Information and Referral Network (2-1-1 TIRN)

Texas 2-1-1/Texas Information and Referral Network (2-1-1 TIRN) is committed to helping Texas citizens connect with the services they need. An individual may access this program by phone or the internet. This resource strives to present accurate, well-organized, and easy-to-find information from state and local health and human services programs. 2-1-1 TIRN is a free, anonymous social service hotline, available 24 hours a day, 7 days a week, 365 days a year. 2-1-1 TIRN served approximately 507,761 callers from January 1,2022 through March 21,2022.

Area Agencies on Aging (AAAs)

Area Agencies on Aging (AAAs) contracts with HHSC to provide services to help older adults remain in their homes and communities. AAAs are designated by statute and are housed within community-based non-profit organizations and local governments. While AAAs contract with for-profit vendors for certain services, such as congregate and home-delivered meals and transportation, they provide most services through partnerships with non-profit and faith-based organizations. During December through February 2022 (State Fiscal Year Quarter 2), 70,252 people received over 3 million meals through the congregate and home-delivered meals programs. The transportation service programs provided 72,740 trips to 3,000 people.

More information on the AAAs is available on their webpage.

Aging and Disability Resource Centers (ADRCs)

Aging and Disability Resource Centers (ADRCs) support the Texas "No Wrong Door" system by serving as a key access point to person-centered, long-term services and supports needed to live independently in the community. The 28 ADRCs collaborate with AAAs, affordable housing coalitions, local service providers, food pantries, and other community-based organizations to provide information and referral services. In addition to information and referral services, ADRCs often subcontract with faith- and community-based organizations to provide respite care to family caregivers. ADRCs also ensure that faith- and community-based organizations are represented in their local advisory groups. During December 2021 through February 2022, the ADRCs assisted 13,409 callers and provided 3,905 hours or respite services to 81 individuals.

Community Attendant Services (CAS)

Community Attendant Services (CAS) offers non-technical, non-skilled, in-home attendant services to individuals with an approved medical need for assistance with personal care tasks. As of February 28, 2022, the CAS program served a total of 70,082 individuals. More information on CAS can be found on their webpage.

Consumer Managed Personal Attendant Services (CMPAS) Title XX

A Consumer Managed Personal Attendant Services (CMPAS) licensed agency offers personal assistance services to individuals with physical disabilities who are mentally and emotionally competent and able to supervise their attendant, or who have someone who can supervise the attendant for them. Individuals interview, select, train, supervise, and release their personal assistants. As of February 28, 2022, the CMPAS program served a total of 320 individuals. Information on CMPAS can be found on their webpage.

Family Care (FC) Title XX

Family Care (FC) offers a non-skilled, nontechnical attendant care service to eligible adults who are functionally limited in performing activities of daily living. As of February 28, 2022, the FC program served a total of 4,676 individuals. Information on FC can be found on their webpage.

Foster Grandparent Program (FGP)

The Foster Grandparent Program (FGP) serves a dual purpose. It provides income-eligible adults, age 55 and older, with meaningful volunteer opportunities while also meeting critical community needs by serving children with developmental delays or disabilities; visual hearing, or speech impairments; physical challenges; and children with other exceptional needs. Primarily funded by the AmeriCorps, FGP has been operating nationwide since 1965. There are 17 service areas in Texas, eight of which are administered by HHSC.

Between July 1, 2021, and December 31, 2021, 184 Foster Grandparent volunteers mentored and tutored 2,981 exceptional needs children and youth throughout the eight HHSC administered service areas. More stories and information about FGP can be found on their webpage.

Home Delivered Meals (HDM) Title XX

Home Delivered Meals (HDM) works with community-based provider agencies to deliver a nutritious meal to the eligible person’s home to ensure they get at least one healthy meal per day. As of February 28, 2022, the HDM program was serving 18,814 individuals. Information on HDM can be found on their webpage.

Primary Home Care (PHC)

Primary Home Care (PHC) offers nontechnical, non-skilled, in-home attendant services to individuals with an approved medical need for assistance with personal care tasks. PHC is available to eligible adults with a practitioner's statement of medical need, whose health problems cause them to be functionally limited in performing activities of daily living. As of February 28, 2022, the PHC program was serving 1,390 individuals. Information on PHC can be found their webpage.

Aging Services Coordination (ASC)

Aging Texas Well (ATW)

The Aging Texas Well (ATW) initiative helps Texans prepare for all aspects of aging at the individual, community, and state level. Established in 2005 by Executive Order R.P. 42, HHS is directed to identify and discuss policy issues, guide state government readiness, and promote increased community preparedness for an aging population through ATW. The order also created the ATW Advisory Committee which is comprised of stakeholders and experts in the field of aging who advise HHS and make recommendations to state leadership on implementation of ATW. The next quarterly ATWAC meeting is May 4, 2022. To comply with Open Meetings Act requirements and allow for COVID safety measures, meetings are now conducted in hybrid format to allow for both in-person and virtual attendance. Information about how to access ATWAC meetings can be found on the HHSC website.

In accordance with EO RP-42, the 22-23 ATW Strategic Plan was submitted to the Governor and legislature on December 1, 2021. The 22-23 ATW Strategic Plan underwent modifications to modernize and ensure relevance with aging trends. Updates that inform the plan include a 2021 survey of older adults, their caregivers, and aging services providers identifying their issues which define the plans priorities of focus.

Age Well Live Well (AWLW)

ASC launched a VISTA Project to strengthen HHSC cross-coordination among offices serving older adults, improve understanding of aging issues and needs, and increase capacity to provide services for older adults in Texas. The project includes a VISTA Member in eight offices across the agency. These VISTA members assist their respective offices on a variety of projects such as capacity building, partnership development, and marketing efforts. Member recruitment is underway, and three offices have members placed currently.

Senate Bill 1917 Implementation

Senate Bill 1917, relating to an awareness campaign on services for older adults with visual impairment, was passed during the 87th Regular Legislative Session and assigned to ASC. The bill tasks HHSC to create an awareness campaign, post aging and vision loss resources to its website, and designate a contact to assist with questions about programs, services, and resources for older adults with vision loss. ASC is working with other program areas, Texas Workforce Commission Older Individuals who are Blind program, and other state agencies to implement the bill elements. Feedback will also be sought from the informal stakeholder workgroup Vision Loss in Older Adults, which is comprised of stakeholders from across the state.

Caregiver Awareness Campaign

ASC received funding from the agency's increase in Federal Medical Assistance Percentage as part of the American Rescue Plan Act funding to develop and implement an awareness campaign targeting family (unpaid) caregivers. The campaign will promote information on available services and supports available for family caregivers, with emphasis on emergency/disaster related resources to help the target audiences plan and prepare. The campaign is project to be implemented in mid-2023.

Health, Developmental and Independence Services (HDIS)

Brain Injury Programs

The Office of Acquired Brain Injury (OABI) and Comprehensive Rehabilitation Services (CRS) work together as Brain Injury Programs (BIP) to provide continuity of care and ensure supports utilizing a person-centered, trauma informed, and a wraparound approach to service delivery. On March 30-31, 2022, BIP conducted an annual conference, "Resiliency and Adaptability," to commemorate Brain Injury Awareness Month. Over 250 attendees learned about resiliency and "bouncing forward." Additionally, BIP partnered with the Governor's Committee on People with Disabilities and hosted a training session in recognition of Brain Injury Awareness Month, titled "Texas Brain Injury Programs: An Integrated Approach to Supports." Governor Abbott also issued a proclamation recognizing Brain Injury Awareness Month and recorded a video commemorating the work of OABI in raising awareness about brain injuries.

The Texas Brain Injury Advisory Council (TBIAC) advises HHSC on strategic planning, policy, rules, and services related to the prevention of brain injury, rehabilitation, and the provision of long-term services and supports for persons who

have survived brain injuries to improve their quality of life and ability to function independently in the home and community.

Children's Autism Program (CAP)

CAP provides focused Applied Behavior Analysis services through local community agencies and organizations to children ages 3 to 15 with a diagnosis on the autism spectrum. As of February 2022, CAP has served 872 children in fiscal year 2022.

Blind and Visually Impaired

Blindness Education, Screening, and Treatment (BEST)

BEST program continues to provide treatment to prevent blindness. The program began fiscal year 2022 with a marketing campaign to attract new partners and reengage with previous partners to increase eye care providers statewide for BEST participants. As of February 2022, the program served 61 people with beneficial treatment services to prevent blindness and screened the vision of 1,857 people through its contract with Prevent Blindness Texas, for a total number served of 1,918.

Blind Children's Vocational Discovery & Development Program

The Blind Children's Program (BCP) provides services to children and families to increase their overall independence and success. BCP supports families throughout their journey until they are confident and have the skills to thrive independently.

BCP has returned to the community to provide services based on the desire of each family. Currently, most families are choosing virtual services.

The program is also developing awareness activities for DeafBlind Awareness Week, June 26-July 2, 2022. A virtual art show will be hosted to highlight art from children across the state and will also be displayed at the HHS North Austin Complex. For more information, contact BCP at blindchildrensprogram@hhs.texas.gov.

Children with Special Health Care Needs Services Program (CSHCN)

CSHCN helps children ages 20 and younger who have special health care needs and people with cystic fibrosis of any age improve their health, well-being, and quality of life. In February 2022, 93 children were pulled from the waiting list and provided active coverage. Currently, there are 433 clients on the waiting list. As of February 2022, the CSHCN program has provided services to 1,197 clients in fiscal year 2022.

Deaf and Hard of Hearing

Board for Evaluation of Interpreters (BEI)

The BEI Advisory Committee consists of seven members appointed to assist in administering the interpreter certification program, and to help develop the qualifications for each level of certification based on proficiency. The held a hybrid meeting on January 25, 2022, where updates were provided regarding the September 2021 implementation of BEI database improvements. The most significant enhancements included an online payment portal and a mechanism to allow end users to upload required documentation directly into their profile, foregoing the need to mail copies to HHSC. These two features have improved efficiency for both the end users and BEI staff.

Interpreter Testing

BEI program staff continue processing applications of interpreter candidates and issuing renewal certificates to eligible interpreters for persons who are deaf or hard of hearing. All eligible applicants with complete applications prior to March 1, 2022, have been given an opportunity to schedule their test. As the number of testing applications continues to increase, the Office of Deaf and Hard of Hearing Services continues to explore methods to increase testing frequency and accessibility for the applicant.

Training and Education Program

Training activities are provided for people who are deaf or hard of hearing as well as for their families, service providers, schools and institutions, employers, and government agencies. Training is offered throughout the year. Topics presented include mental health in the deaf and hard of hearing community, deaf self-advocacy training, interview skills training, ethical healthcare interpreting, and communication strategies. In the first half of fiscal year 2022, 17 training events were offered with more than 1,200 attendees.

Office of Disability Prevention for Children

The Office of Disability Prevention for Children (ODPC) works to prevent developmental disabilities and seeks to minimize the losses developmental disabilities cause, especially in infants and young children. ODPC prevents disabilities through provider and public education, partnership with other state agencies and stakeholders, and evaluating state efforts to prevent developmental disabilities. ODPC staff attend conferences and meetings to increase awareness of the program and to provide opportunities for collaboration.

At the four-day 2nd Annual Office of Disability Prevention for Children Conference in March 2022, a diverse group of over 1,400 stakeholders — including community-based and government organizations, health care professionals, educators, families,

and caregivers — gathered to discuss and learn strategies for implementing positive change in the lives of children and families across the state.

During the reporting period, program staff and community volunteers prepared and mailed out more than 50,000 pieces of education and public awareness materials to pediatricians and physicians.

The Pediatric Acute-Onset Neuropsychiatric Syndrome (PANS) Advisory Council advises HHSC and the Legislature on research, diagnosis, treatment, and education related to PANS. ODPC supports the PANS Advisory Council as it addresses research, diagnosis, treatment, and education related to PANS throughout the state.

The latest PANS meeting was held on February 25, 2022, and a meeting archive can be accessed at this link: https://texashhsc.new.swagit.com/videos/155225. The next PANS Council meeting is scheduled for May 20, 2022. Future meeting dates and more information about the PANS Council can be found at this link on the PANS Advisory Committee webpage.

Early Childhood Intervention Services (ECI)

On September 20, 2021, HHSC received the Office of Special Education Programs' (OSEP) response to HHSC's Corrective Action Plan, which was submitted on February 3, 2021. The response acknowledged the steps already taken by HHSC and requested further evidence and action on a number of the corrective actions. HHSC's responsive documentation and updates were submitted to OSEP on January 20, 2022.

HHSC has approved amendments to the Texas Administrative Code, Title 26, Part 1, Chapter 350, Early Childhood Intervention Services. These amendments were published in the *Texas Register* here and made effective on March 17, 2022. HHSC ECI staff hosted a webinar on March 10, 2022, to highlight changes that had the most impact on ECI contractors and families, and to discuss information on how programs can implement changes to remain in compliance with ECI rules.

Work between HHSC ECI and The University of Texas at El Paso continues as part of the activity related to the grant received from OSEP for improving retention of early intervention personnel. This collaboration involved planning for the ECI Empowerment Coalition for Innovative Leaders Summit held in Dallas on March 24-25, 2022. The summit included training on evidence-based retention strategies that was offered to all 41 ECI contractors. National experts on personnel retention in early intervention, ECI program directors and other staff provided information and strategies to address critical issues related to attracting, preparing and retaining ECI personnel.

Independent Living Services (ILS)

The ILS Program helps people with disabilities achieve greater independence in the home and community. HHSC contracts with Centers for Independent Living (CILs) to provide independent living services statewide. Counseling to help with adjusting to a disability, orientation and mobility to learn how to navigate without vision, assistive technology, and vehicle modifications are just a few examples of services CILs can provide through the ILS program. There are 27 CILs in Texas. All CILs are open and providing independent living services virtually or in person.

Health Specialty Care System (HSCS)

State Supported Living Centers (SSLC)

Working with Residents with Complex Histories

Identifying and planning for the individualized needs of SSLC residents is critical to ensuring the highest quality of care and services are provided. The SSLCs have created a curriculum, for all facility staff, designed to highlight crisis intervention strategies for the safe and effective support of residents with complex histories. While some facilities have been using this curriculum since February 2021, the goal is that the curriculum will be standard practice within all SSLCs by the end of August 2022. With the enhanced skills and training provided by the curriculum, SSLC staff will have the necessary tools to support the unique needs of each resident during challenging times.

Overcoming Barriers to Transitions

Ensuring successful community transitions for residents is a priority for teams across all SSLC facilities. In collaboration with community and state partners, the SSLCs are continuously working towards identifying factors that create barriers to effective transitions and implementing strategies to address these challenges. The goal of these collaborative efforts is to secure community placements that will be effective in meeting the individualized needs of the SSLC resident, ensuring the placement is both beneficial to the individual and long-term. In fiscal year 2021, 54 individuals moved from an SSLC to a community setting. During the first two quarters of fiscal year 2022, 36 individuals have successfully transitioned to community settings. Through the continued collaboration of SSLC staff and community partners, the SSLCs are on target to exceed the number of successful community placements accomplished in 2021.

Department of Justice Settlement Agreement

Targeting identified improvements regarding the care and services provided to residents of SSLCs, the State of Texas and the Department of Justice officially entered into a settlement agreement in June 2009 and an amended agreement was

finalized in September 2021. The SSLCs' continued momentum with the agreement resulted in SSLCs exiting sections of the agreement. There have been significant increases in the percentage of compliance and decreased need for oversight within the last five years. In quarters one and two of fiscal year 2022 alone, four facilities achieved compliance for various sections. The dedicated staff of Texas' SSLCs will continue to identify evolving areas of need and strategize ways to ensure SSLC residents are provided with exceptional care and services.

Intellectual, Developmental Disability & Behavioral Health Services (IDD-BHS)

Employment First

"Employment First" is an approach to facilitating the full inclusion of individuals with disabilities in the workplace. Under this approach, integrated, competitive employment should be the first option considered for individuals with disabilities and should be the expected outcome of education and publicly funded services for working-age youth and adults. Individuals with disabilities are much less likely to have a job than individuals without disabilities.

Employment Services/Employment First Training and Resources

HHS developed a series of six web-based training modules on various employment services elements for direct support staff. The COVID-19 pandemic was the catalyst for Texas to develop these in a web-based format for training, outreach, and information. The web-based training format may reach a wider audience than otherwise would able to attend in person. The modules cover the following topics:

- Employment First and Home and Community Based Services Overview
- Employment Services, Family Concerns, Supplemental Security Income/Social Security Disability Insurance and Other Benefits
- Vocational Assessments and Employment Profiles
- Soft Skills
- Job Coaching, Mobile Apps, Electronic Tablets
- Building and Maintaining Strong Employer Relationships

In addition to the web-based opportunities noted above, Texas deployed six virtual training events from September through December 2021. The six webinars were a substitution for prior planned in-person training delivery during the same months. The webinar format was utilized due to a resurgence in COVID-19 cases during late summer and fall 2021.

HHSC has begun developing a round table information series for families and stakeholders using an in-person format at five locations in Texas during summer 2022. These five round table information opportunities will be focused on addressing family and stakeholder concerns regarding competitive, integrated

employment in the community. The goal is to collect concerns and develop a refined approach strategy for similar events in other location and web-based formats.

Crisis Intervention and Crisis Respite Services

During the 2020-2021 biennium, HHSC provided $4 million to local intellectual and developmental disability authorities (LIDDAs) to provide crisis intervention and crisis respite support to individuals who have intellectual and/or developmental disabilities who may have behavioral health or mental health support needs. This funding gives a total of $28.6 million towards crisis intervention and crisis respite services. Currently, all 39 LIDDAs statewide provide crisis intervention and crisis respite services to support individuals to maintain independent lives in the community, free of institutionalization.

From December 1, 2021 through February 28, 2022:

- 783 individuals received crisis intervention services; and
- 157 individuals received crisis respite services.

Transition Support Teams

The Transition Support Teams (TST) provide support to individuals transitioning from institutional settings into the community who may have significant medical, behavioral, and psychiatric support needs. The support teams give educational materials, offer technical assistance, and consultative case reviews to aid community waiver program providers and LIDDAs to successfully assist individuals with coordinating their transition from institutional settings.

From December 1, 2021 through February 28, 2022, the TSTs provided:

- 434 educational opportunities with 3,158 people in attendance.
- 410 opportunities for technical assistance with 825 people in attendance.
- 909 peer review/case consultations with 4,617 in attendance.

Enhanced Community Coordination

The LIDDA Enhanced Community Coordination (ECC) service coordinators provide intense monitoring and flexible support to ensure individuals' success in the community. The ECC service coordinator links individuals to critical services and monitors the success of those services for one year following a transition or diversion from an institution. From December 1, 2021 through February 28, 2022, 571 individuals were served.

Outpatient Mental Health Clinics

As reported in previous GCPD HHSC Ex-Officio reports, the 86th Legislature allocated $3.0 million for IDD Outpatient Mental Health clinics to enhance the services available for individuals with IDD and mental health needs. This funding established IDD community outpatient mental health services. On November 1, 2020 a pilot was implemented to provide the outpatient mental health services identified in the exceptional item. As of February 28, 2022, a total of 101 individuals were enrolled and served in the IDD community outpatient mental health services program. Since the inception of the program, a total of 165 individuals have been served.

Chief Medicaid/CHIP Services Office (CMCSO)

Medicaid Autism Services

The Medicaid Autism Services policy in the Children's Services Handbook of the Texas Medicaid Provider Procedures Manual adds Applied Behavior Analysis (ABA) services for Medicaid eligible or enrolled children and youth, ages 20 years and younger, who have a diagnosis of Autism Spectrum Disorder (ASD), and for whom these services are medically necessary, as of February 1, 2022. Licensed behavior analyst (LBA) enrollment with TMHP opened on July 30, 2021 and continues. Group enrollment launched on January 28, 2022. Ongoing outreach to Texas LBAs and related professional associations continues. HHSC staff continue to meet regularly with MCOs to support the covered service rollout in managed care.

Heightened Scrutiny Process

The HCBS Settings Rule sets forth a heightened scrutiny process, through which states must submit informational packets for certain settings to demonstrate to CMS that the settings meet federal HCBS criteria. HHSC has determined that assisted living facilities (ALFs) in the STAR+PLUS HCBS program must undergo heightened scrutiny. HHSC is working with STAR+PLUS managed care organizations (MCOs) to complete information packets for these settings.

In Summer 2022, HHSC will submit a final list of ALF settings undergoing heightened scrutiny to CMS for approval. HHSC requires ALFs to complete remediation activities necessary to achieve full compliance by July 31, 2022.

Individualized Skills and Socialization

Day habilitation is a service in the Home and Community-based Services (HCS), Texas Home Living (TxHmL) and Deaf Blind with Multiple Disabilities (DBMD) Programs. HHSC has determined that day habilitation does not meet the requirements of the HCBS Settings Rule. HHSC will replace day habilitation with a new, fully compliant services called individualized skills and socialization prior to

March 17, 2023. Draft program rules for individualized skills and socialization were posted for informal comment from December 17, 2021, to January 14, 2022. HHSC received many comments from providers and advocacy organizations. The rules will be posted for the formal public comment period this summer and will be presented formally proposed during the August Medical Care Advisory Committee meeting.

Statewide Transition Plan (STP)

States are required to submit a Statewide Transition Plan (STP) to CMS for approval. The STP provides assurances of compliance or sets forth the actions that the state will take to bring HCBS programs into compliance with the HCBS Settings Rule. HHSC posted a revised STP for public comment from March 4, 2022 to April 4, 2022. HHSC will submit the revised STP to CMS in Spring 2022.

STAR+PLUS Pilot Program

House Bill 4533, 86th Legislature, Regular Session, 2019, amends Texas Government Code Chapter 534 and directs development and implementation of a pilot through the STAR+PLUS Medicaid managed care program to test person-centered managed care strategies and improvements based on capitation. The STAR+PLUS Pilot Program (SP3) will test the managed care delivery of long-term services and supports (LTSS) for people with intellectual and developmental disabilities (IDD), traumatic brain injury that occurred after age 21, or people with similar functional needs as a person with IDD.

HHSC continues to work towards readiness by the implementation date of September 1, 2023. The contract development process for various aspects of the SP3 such as the MCO and the functional needs assessment is ongoing.

HHSC continues work on programmatic elements such as services available to pilot participants; eligibility and enrollment processes to include appeals and fair hearings; and the roles and responsibilities of various service providers. HHSC is currently operationalizing programmatic elements such as service coordination and consumer directed services and is developing outreach and education and readiness plans. These aspects of the SP3 are being developed in collaboration with internal stakeholders and external stakeholders, such as the Intellectual and Developmental Disability System Redesign Advisory Committee, the STAR+PLUS Pilot Program Workgroup and associated subcommittees and workgroups.

Office of Disability Services Coordination (ODSC)

Promoting Independence Plan

ODSC is leading the charge for the 2022 Promoting Independence Plan. This aligns with ODSC's value of stakeholder engagement and mission to improve outcomes for people with disabilities through long-term solutions across the HHS system.

Our vision is to develop a strategic plan that capitalizes on the momentum in previous plans and focuses a path that supports successful community living through targeted goals and prioritized strategies.

ODSC is currently planning the following short- and long-term actions for stakeholder engagement:

- A release via Gov Delivery that opens the door for recommendations and perspective, and provides further details of future stakeholder engagement
- A future stakeholder engagement summit that will invite stakeholders to further inform HHSC of their prioritized goals or recommendations.
- Courtesy review of the proposed 2022 plan for participants from previous engagements.

If you have additional questions, email HHSCOfficeofDisabilityServicesCoordination@hhs.texas.gov.

ARPA FMAP Funded Projects

Direct care employer registry

As stated in the executive summary, HHSC is proposing an additional ARPA FMAP project to create a state-specific employment registry allowing direct care attendants and employers, including employers self-directing their care, to find the best fit for open positions. If approved by CMS, ODSC would be the lead on implementation as it relates to the Rider 157 - Community Attendant Workforce Development Strategic Plan.

Comprehensive Evaluation of Transportation in HCBS Programs

Another project within Texas's spending plan for ARPA FMAP funds is to contract with an independent entity to conduct a comprehensive study of transportation needs for enrollees in all HCBS programs. The study will examine the availability and awareness of existing transportation services across Medicaid. The study will also examine barriers to transportation and employment and provide the state actionable recommendations to reduce barriers and increase the availability and awareness of transportation services for HCBS enrollees, and other potential programmatic improvements. The study will conclude by August 31, 2023.

ODSC is the lead and is currently determining the most cost-effective method of contracting for this project.

Direct Service Workforce Taskforce Surveys

ODSC is preparing two surveys as part of the Direct Service Workforce Taskforce project portfolio. The first survey builds upon a survey last conducted prior to 2015

to gain insight and additional data on the community attendant and direct care workforce. The survey includes questions related to job title, barriers to employment, career growth interests, and impacts from COVID-19. The second survey is a pre and post survey specifically for the 28 local workforce development boards to gain awareness, track progress, and identify local strategies of culturally and linguistically appropriate recruitment and retention efforts. ODSC anticipates both surveys to be live in September 2022.

HHS System Level Updates

Substantial Policy, Key Personnel, or Organizational Changes

- Christine (Chris) Laguna, PhD, joined the IDD-BHS department as the director of Substance Use Programs
- The Person-Centered Practices team within HHSC has transitioned from the Chief Medicaid and CHIP Services policy office to ODSC. All existing projects will continue as is and ODSC will continue to provide updates on person-centered initiatives as they become available.

HHS Strategic Plan

Every two years, the Texas Health and Human Services system updates its Strategic Plans, which describe its work to address multifaceted and evolving factors affecting health and human services. Each of the system's divisions contributes to the development of the Strategic Plans. The Plans define the system's mission, goals, objectives, and action items to address specific issues over a five-year period.

- HHS Strategic Plans FY 2021-2025

Long-range Plans for People with Disabilities

- Disability Services Action Plan
- Maximizing Resources and Long-Range Planning for State Supported Living Centers
- Proposed Long-Term Care Plan for Individuals with Intellectual Disabilities and Related Conditions Fiscal Years 2022-2023
- 2018 TX Promoting Independence Plan
- 2022-2023 Aging Texas Well Plan
- Rider 157 – Community Attendant Workforce Development Strategic Plan

Publications, Meetings and Proposed Rules

Reports & Presentations

Visit the HHS Reports and Presentations page for the latest list.

Advisory Committee Meetings

All HHS advisory committee meetings resumed using virtual formats until further notice. For a full list of archived and upcoming committee hearings visit the HHS Communications & Events page.

Proposed Rules

Below is a list of proposed rules published in the *Texas Register*. The proposed rules published in the *Texas Register* are open for public comment until the end of the comment period. Information about HHSC rules is found at: Health-Human-Services-Rulemaking and HHSC Rulemaking Public Comment