

Legislature approves budget, Medicaid reform

The 74th Texas Legislature adjourned on May 29, after passing 1,088 bills. The governor had until June 18 to sign the last of these bills, veto them or let them be adopted into law without his signature. Here's an update of what had happened on key disability issues by the time we went to press.

The Budget

The Legislature passed a \$79.9 billion budget for the next two fiscal years, FY 1996-97, a 6.2% increase over the last budget. Overall spending on health and human services rose by 10% to \$26.4 billion. This, however, is not enough to keep up with the demand for services.

While most health and human services agencies are funded at current levels or with a small increase, the growth in caseloads and inflation will result in a loss in services for some programs. Programs that received modest increases to serve additional people include In-Home and Family Support at the Texas Department of Mental Health and Mental Retardation (TXMHMR); CLASS and Family Care at the Texas Department of Human Services; and Personal Assistance Services and the Deaf and Blind Multihandicapped Program at the Texas Rehabilitation Commission.

Programs that were cut back include the Frail Elderly program

(which provides alternatives to nursing home placement for people who are elderly or have physical disabilities). General revenue funds are provided to continue the program for the first year of the biennium; however, it is scheduled to be phased out in 1997. Recipients will be moved to the Nursing Facility Waiver or Family Care causing a "hard freeze" in that program.

Additionally, state agencies were directed to downsize their staffs, which will limit their ability to provide services, despite projected increases in clients and caseloads. Thousands of Texans who have

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Two Partners in Policymaking classes selected for this fall



Graduates from the 1995 Class of Partners in Policymaking explain how the leadership training program has affected their lives and what they are doing to advocate for themselves and others. Over the past five years, 164 Texans have graduated from the program. (For a list of this year's graduates, see page 4.)

"I am frustrated about my lack of knowledge about how to best meet my son's needs...I am committed to making things better for the next family presented with challenges similar to mine. I need information." — Parent

Responding to the public's demand for advocacy and leadership training, the Council has expanded its Partners in Policymaking program to include two classes that begin this fall: One will be held in Austin; the other in Dallas. Participants will attend eight two-day training sessions that will prepare them to effectively influence legislation and obtain state-of-the-art services for themselves and others.

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spent years on waiting lists, will continue to do so.

Meanwhile, Congress is holding a wild card. Federal actions could create a budget crisis later this year, especially if a block grant program is adopted for Medicaid. This could require the Legislature to be called back to revise the state budget.

Medicaid Reform

A package of bills was signed by the governor on June 13, which will allow the state to convert its Medicaid services to a managed care program, if approved by the federal government. The goal is to save money by emphasizing primary and preventive care and by merging state and local health funds (to maximize federal contributions). Legislators estimated that enough money could be saved in the next five years to expand coverage to 563,000 more individuals.

Consumer protections were written into the legislation, as well as pilot programs to expand home and community-based alternatives to nursing homes and other institutions.

School Reform/Education

On May 30, Gov. Bush signed the education bill which will replace the current education code on Jan. 1, 1996. The new law completely overhauls the state's public school system. Here are some aspects that affect people with disabilities:

□ **Local Control:** Voters in each school district will be able to apply to the Texas Education Agency (TEA) for various types of charters — such as "Home Rule" and "Open Enrollment" — that will exempt them from many state regulations. These schools, however, will still have to comply with both federal and state special education laws.

□ **Accountability:** TEA is required to develop a method for measuring the progress of students exempted from the state's current standardized test (TAAS) by the FY 1998-99 school years. Testing results will be made public.

□ **Alternative Schools:** Protections were included in the law that prohibit sending students with disabilities to alternative schools unless they meet the same behavioral criteria other students must meet. Advocates were concerned the schools might be used inappropriately as an alternative placement because of the smaller class size.

□ **Vouchers Eliminated:** A proposal to allow parents to use public funds to pay for private schools was eliminated during conference committee negotiations.

□ **Funding Weights:** While this issue was not addressed this session, a study will examine the funding for various education programs, including funding weights for special education.

Long-Term Care

The vision statement of the Long-Term Care Task Force was included in House Bill (HB) 2698. It says: "It should be the policy of the state that children grow up in families and elderly persons live in the setting of their choice." The legislation requires that persons with functional limitations have access to individualized, long-term care services of their choice to help them achieve the greatest possible quality of life. It also calls for more home and community-based services and housing alternatives.

Another bill, HB 1698, requires all health and human services agencies to inform clients about community-based options before placing them in an institutional program. Both of these bills were sent to the governor for his consideration.

Employment/Independence

The omnibus welfare reform bill, HB 1863, incorporated the vision statement from the 1994 Supported Employment Summit. It calls for the state to ensure that all Texans with disabilities have opportunities and supports needed to work in individualized, competitive employment in the community. It also calls for an interagency work group to implement the summit's action plan, with the Comptroller's Office monitoring their work. The welfare reform bill was signed by the governor on June 13.

Other Issues

□ HB 1659 requires that at least one member of the TXMHMR Board be a consumer or family member of a consumer.

□ HB 2377 implements recommendations of the TXMHMR Provider/Authority Task Force to clarify and separate the role of MHMR community centers as both the authority and provider of services.

□ SB 103 establishes a Guardianship Resource Board, a public-private partnership to coordinate guardianship services for persons across the state who do not have someone willing or able to become their personal guardian.

□ SB 1675 clarifies powers of the Texas Health and Human Services Commission and authorizes it to review and comment on the strategic plans and budget requests made by the state's health and human services agencies. It also requires the commission to develop routine, ongoing mechanisms to receive consumer input. This was also incorporated into the welfare reform bill.

These bills were all sent to the governor. ♦