

TRANSITION SERVICES PLANNING

Developmental Disabilities/Intellectual Disabilities (All Grades, All Levels of Function)

THIS PACKET INCLUDES:

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"WHAT YOU CAN DO NOW"

1. Review materials in this packet and determine (based on the "step by step" letter) where you are in the process to prepare for exit.
2. Have a family gathering to openly discuss plans with all persons that may be included as future caregivers, guardians, or support for carrying out your plan.
3. Bring ALL test results with IQ (Intellectual Quotient) and Adaptive Behavior Level, Doctors reports, psychological assessments, etc.
4. Determine what services may be needed and make contact with service agency to start application process - There May Be Wait Lists, some as long as 8-10 yrs.
5. Start a file of paperwork completed - dates/times/contact person names and phone/address information to keep a record of accomplished goals. (This file should include an overview of the long-term objectives so you can keep up with progress.)
6. As services are identified, start arranging visits to any programs of interest to educate yourself first hand on the facilities and staff available to carry out the vocational/employment, residential/independent living, or support services needed.

Local school contact person name/phone: _____

DISABILITIES AND THE LAW

IDEA: Individuals with Disabilities Education Act (ENTITLEMENT ACT)

- Federally funded program
- Children ages 3 – 22
- Purpose is to serve children who are one or more of the following disability groups:
 - intellectual disabilities
 - hearing impairments
 - deafness
 - speech/language impairments
 - visual impairments
 - blindness
 - serious emotional disturbance
 - orthopedic impairment
 - autism
 - traumatic brain injury
 - other health impairment
 - specific learning disability
 - deaf-blindness
 - multiple disabilities
- Free appropriate public education
- Special education and related services to meet unique needs
- School must include in the annual ARD/IEP transition services planning at or before age 16 – then annually review (at age 14 the IEP will begin these transition discussions)
- School must provide an Individualized Education Plan (IEP)
- IEP development would include parents, child, if appropriate, child’s teacher, designated specialist, representative of public agency qualified to supervise special education
- Three categories of services: remediation, academic accommodations, related services
- Provide education in the least restrictive environment appropriate to meet individuals needs
- Be placed in regular education to maximum extent possible
- At age 18 and beyond, as needed, review age appropriate settings to provide needed special education and transition services needs.

THESE SERVICES ARE PROVIDED THROUGH YOUR LOCAL EDUCATION AGENCY

This law STOPS at exit from school! It is replaced by 504 (REHAB Act) and ADA (Americans with Disabilities Act) described on the next page.

The following laws are not entitlement but eligibility in nature, meaning you must apply to determine if your student will receive future services and/or funding.

Section 504 of the Rehabilitation Act of 1973 **(Civil Rights Statute)**

(This Act prohibits discrimination against persons with disabilities in programs receiving federal funds.)

The following briefly describes Section 504:

- Any organization, agency or business receiving federal financial assistance is subject to Section 504 requirements
- Section 504 focuses on discrimination based on disability
- Section 504 reaches a much broader population of students than IDEA
- A student with an impairment that is not covered under IDEA may be covered under Section 504

THESE SERVICES ARE PROVIDED THROUGH YOUR LOCAL EDUCATION AGENCY OR STATE REHABILITATION AGENCY LOCAL OFFICES OR OTHER STATE / PRIVATE AGENCY PROVIDERS.

ADA: Americans with Disabilities Act

- Nonfunded federal program
- Purpose is to end discrimination against individuals with disabilities in areas of employment, education, public accommodations, and licensing professional and other activities
- A person with a disability is a person with a physical or mental impairment that substantially limits one or more of the major life activities, a record of such impairments and being regarded as having such an impairment
- Disability includes any mental or psychological disorders such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities
- Reasonable accommodations are required
- Should offer examinations and courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals
- Examination results should accurately reflect the individual's aptitude or achievement level or whatever other factors the examination purports to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills (except where those skills are the factors that the examination purports to measure)

SERVICES PROVIDED THROUGH THE STATES REHABILITATION AGENCY LOCAL OFFICES OR OTHER STATE/PRIVATE AGENCY PROVIDERS.

Texas Department of Aging and Disability Services (DADS)

INTAKE/REFERRAL - ELIGIBILITY DETERMINATION UNIT (EDU)

Intake Services
801 South Highway 161
Grand Prairie, Tx 75050
1.800.548.1783

**Step #1 – Call for an appointment
TODAY unless already
receiving services!**

This is the entry point to services for all residents with intellectual disability, or autism and other pervasive developmental disorders. This unit provides such services as information, evaluation and referral. An intake specialist is available to process calls or walk-ins Monday through Friday from 8:00 am to 5:00 pm.

This unit provides the following services:

- process intake calls
- determination by assessment completed
- determine eligibility for intellectual disability service
- assignment made to designated staff
- initiate referrals to service planning unit
- ongoing service linkage

Benefits

- Someone the consumer and family can count on.
- Help to identify and obtain specific services.
- Assistance in gaining independence.
- Enables a intellectual disability /developmentally disabled person to live a life that is productive, satisfying and as independent.

It is here that the consumer begins working with an Individual Service Coordinator to achieve identified outcomes and eventually life goals.

SERVICE COORDINATION/CASE MANAGEMENT

Case Management is a core service providing the consumer with a single accountable individual to ensure the consumer:

- identifies his/her goals
- is informed of and educated about choices
- makes choices based on his/her wishes and the information provided
- receives services and resources necessary to maintain an optimal quality life.

Principles

- Individuals who need support also need education and assistance in accessing supports
- All persons have the right and ability to make choices.
- Empowerment in life decisions.
- Building/using existing community supports to ensure long-term success in the community.
- Building on individual's strength.
- Ensuring that support system is responsive to needs and desires.

Who is Eligible? – Referral from Intake Services

This program conducts a comprehensive self-assessment and assists with the development of a service plan. The program operates under the concept of person directed planning and empowers the consumer to achieve life goals.

- Must evidence intellectual disability or developmental disability
- Require help with:
 - * Basic living skills or have serious physical and health problems
 - * Severe problems functioning in school, work, personal relationship, family roles
 - * Basic life support linkage with community support (SSI, social or medical services)
 - * Getting public financial assistance
 - * Community resources
- May also demonstrate inappropriate social behaviors that require intervention
- Unemployment or limited skills in acquiring and maintaining employment

“Become and Educated Consumer” **Professional Case Management Assistance**

Facilitating Families of Special Needs Children & Adults

Your local MHMR/DADS service provider is responsible for helping you arrange the life planning activities below. Services vary according to the needs of the individual and family. Consulting and case management beginning in childhood and continuing into adulthood is provided on an as needed basis. Assistance in identifying and investigating resources, both public and private, is offered.

Services Include:

- Referral to Appropriate Agencies to Determine Eligibility for Services
- Identify Waiting Lists for Services Including Occupational Therapy, Speech Therapy, Physical Therapy, Psychological Services, Nursing and Case Management
- Assisted Living Options
- Referral for Guardianship
- Referral for Life Planning
- Service Coordination
- Advocacy
- Community Support
- Program Evaluation
- Applying for SSI Benefits
- Program Evaluation
- Referral for Neuropsychological/Psychological/Psychoeducational Evaluation
- Vocational Evaluation
- Program Research & Identification

WHAT TYPES OF SERVICES SHOULD BE CONSIDERED

AND RESEARCHED

Name of Case Manager / Service Coordinator when assigned by: Community Department for Aging and Disability Services (DADS): _____
Phone Number: _____

TAKE THIS LIST WITH YOU **WHEN YOU MEET YOUR SERVICE PROVIDER!**

Traditional / usual resources and services to consider for placement on wait lists / interest lists. (Sign up for any and all that may apply to your child for future help.)

- Respite Services
- Occupational/Physical Therapy (OT/PT)
- Speech Therapy
- Psychological/behavioral services
- In-home training
- Nursing/attendant care
- Physical/medical (assistive equipment and medications)
- Recreation/Leisure Summer Programs (Camps, etc.)
- Residential placement
- Community living options
- Services for students remaining in the family home
- SSI/Medicaid benefits
- Supported employment/job coaching/job development
- Sheltered training/workshops
- Day programs
- Guardianship (at age 18) co-signature rights
- Will/special needs trust (financial protection)
- Home and community Based Services (HCS) **8-10 year wait list**
- In-Home and Family Support (IHFS) **12-18 month wait list**
- CLASS (Community Living Assistance and Support Service)
- Case management and service coordination
- Advocacy
- Vocational Evaluations

FOLLOW STEP-BY-STEP INSTRUCTIONS ON PAGES 44 AND 45. Texas Department of Aging and Disability Services (DADS)

EXPLANATION OF SERVICES AND SUPPORTS

The following information includes a brief description of intellectual and developmental disability (IDD) services and supports provided by the Texas Department of Aging and Disability Services (DADS). Many of the following services and supports have an interest list because they are not currently available. If a particular services or support is desired, it is recommended that the individual's name be added to the interest list as early as possible. If an individual is currently receiving a particular service or support, his or her name can be added to the interest list for other services and supports.

Information about these services and supports can also be found at www.dads.state.tx.us. If you would like more information about services and supports such as a listing of providers in your area, please contact a representative of your local mental retardation authority (MRA). You can find the MRA in your area by accessing the website listed above. Your local branch of DADS is called: **Community Department for Aging and Disability Services (DADS)**. *The state agency DADS is in the process of deleting the term Mental Retardation and replacing with Intellectual Disabilities. Please be aware of this process.*

Services and Supports Provided Through DADS

The following information includes a description of a variety of services and supports, organized by funding (general revenue or state funded and Medicaid) and by program type. The following listing includes a range of services and supports – from community-based services and supports which enable an individual to remain in his or her own or family home to residential services in which the individual resides in a structure setting that provides 24-hour supervision.

General Revenue (GR) Funded Services

GR-funded services are intended primarily to assist an individual to remain in his or her own or family home. These services are provided by or through a local MRA. With the exception of “determination of eligibility for intellectual and developmental disabilities services and supports,” in order to receive GR funded services, and individual who resides in the MRA's service area must:

- Have intellectual and developmental disability, which is based on:
 - A measure of the individual's intellectual functioning (i.e. IQ);
 - A determination of the individual's adaptive behavior level (ABL); and
 - Evidence of the disability originating during the individual's developmental period (i.e. before 18 years of age).
- Have a pervasive developmental disorder (e.g., autism);

- Be a nursing facility resident who is eligible for specialized services for intellectual and developmental disability or a related condition pursuant to §1919(e)(7) of the Social Security Act; or
- Be a child who is eligible for early childhood intervention (ECI) services.

Determination of Eligibility for Intellectual and Developmental Disability Services and Supports:

This service is an assessment (or endorsement of an assessment) conducted in accordance with state law and DADS rules to determine if an individual has intellectual and developmental disability or is a member of the DADS Intellectual and Developmental Disability priority population. The assessment uses standardized tests to determine an individual's IQ and ABL and is conducted by a qualified professional. An assessment (or endorsement) typically includes an interview with the individual, the individual's legally authorized representative (LAR), or, if the individual doesn't have an LAR, other persons who are actively involved with the individual. This service also may be requested as part of a formal petition for guardianship.

Service Coordination: Service coordination is a service that provides assistance for an individual in accessing medical, social, educational and other appropriate services and supports that will help the individual achieve a quality of life and community participation acceptable to the individual. Service coordination is provided by an MRA staff person who is typically referred to as a service coordinator.

Community Support: Community supports are individualized activities that are consistent with the individual's person-directed plan and provided in the individual's home and at community locations, (e.g., libraries and stores). Supports include:

- Habilitation and support activities that foster improvement of, or facilitate, an individual's ability to perform functional living skills and other daily living activities;
- Activities for the individual's family that help preserve the family unit and prevent or limit out-of-home placement of the individual;
- Transportation for an individual between home and the individual's community employment site or day habilitation site; and
- Transportation to facilitate the individual's employment opportunities and participation in community activities.

Respite: Respite is either planned or emergency relief that is provided to the individual's unpaid caregiver on a short-term basis when the caregiver is temporarily unavailable. Respite is provided by trained staff and can occur in the individual's home or another location. If enrolled in other services, the individual continues to receive those services and supports as needed during the respite period.

Employment Assistance: Employment assistance provides assistance to an individual in locating paid, individualized, competitive employment in the community, and includes:

- Helping the individual identify employment preferences, job skills, work requirements and conditions; and
- Prospective employers offering employment compatible with the individual's identified preferences, skills, and work requirements.

Supported Employment: Supported employment is provided to an individual who has paid, individualized, competitive employment in the community (i.e., a setting that includes non-disabled workers) to help the individual sustain that employment. It includes individualized support services consistent with the individual's person-directed plan as well as supervision and training.

Nursing: Nursing is provided to an individual who requires treatment and monitoring of health care procedures that are:

- Prescribed by a physician or medical practitioner; or
- Required by standards of professional practice or state law to be performed by licensed nursing personnel.

Behavioral Support: Behavioral supports by professionals with required credentials are specialized interventions to assist an individual to increase adaptive behaviors and to replace or modify maladaptive behavior that prevent or interfere with the individual's inclusion in home and family life or community life. Supports include:

- Assessing and analyzing assessment findings so that an appropriate behavior support plan can be designed;
- Developing an individualized behavior support plan consistent with the outcomes identified in the individual's plan of services and supports;
- Training and consulting with family members or other providers and, as appropriate, the individual; and
- Monitoring and evaluating the success of the behavioral support plan and modifying the plan as necessary.

Specialized Therapies: Specialized therapies are:

- Assessment and treatment by licensed or certified professionals for social work services, counseling services, occupational therapy, physical therapy, speech and language therapy, audiology services, dietary services and behavioral health services other than those provided by a local mental health authority pursuant to its contract with the Department of State Health Services (DSHS); and
- Training and consulting with family members or other providers.

Vocational Training: Vocational training is a day training service provided to individuals in an industrial enclave, work crew, sheltered workshop or affirmative industry setting to enable them to obtain employment.

Day Habilitation: Day habilitation is assistance with acquiring, retaining, or improving self help, socialization, and adaptive skills necessary to live successfully in the community and to participate in home and community life. Individualized activities are consistent with achieving the outcomes identified in the individual's person-directed plan and are designed to reinforce therapeutic outcomes targeted by other services components, school, or other providers. Day habilitation is normally provided in a group setting (not in the individual's residence) on a regularly scheduled basis and includes personal assistance for an individual who cannot manage his or her personal care needs during day habilitation and assistance with medications and the performance of tasks delegated by a registered nurse in accordance with state law.

ICF/MR Program (Medicaid) to be changed to ICF / ID **NOTE:** *The state agency DADS is in the process of renaming all websites, etc. by deleting the term Mental Retardation and replacing with Intellectual Disabilities. Please be aware of this process.*

ICF/ID Program (Intermediate Care Facilities for Persons with Intellectual and Developmental Disabilities): An ICF/ID, which may be operated by a private or public entity, provides residential and habilitative services, medical services, skills training, and adjunctive therapies with 24-hour supervision and coordination of the individual program plan. These residential facilities range from six beds to several hundred beds for persons who have Intellectual Disability or a condition related to Intellectual and Developmental Disability (related condition).

The two categories of ICF/ID are:

- State Supported Living Centers– There are thirteen campus-based ICF/ID facilities located across the state. These facilities (also known as state schools or state centers) serve approximately 70 to 550 individuals. Staff focuses on providing intensive and specialized residential services for individuals with severe or profound Intellectual Disability and those individuals with Intellectual Disability who are medically fragile or who have behavioral problems. Although the ICF.ID program criteria include individuals with a related condition only, state law limits admissions to state Supported Living Centers to individuals with IDD.
- Community Based ICF/ID – These are community-based residences for individuals who have:
 - Intellectual Disabilities (formerly called Mental Retardation);
 - An IQ of 75 or below with a related condition originating prior to 22 years of age; or
 - A related condition with moderate to extreme problems with behavioral and medical issues.

The owner/operator of each community-based ICF/ID may determine for its facility, additional specific admission criteria. Although **your local** MRA maintains a list of the names of individuals interested in receiving services and supports (including ICF/ID services) in the MRA's service area, each community-based ICF/ID can maintain its own interest list. The individual may select a particular ICF/ID; however, the ICF/ID must have a vacancy and the ICF/ID provider must agree to the individual's admission into the ICF/ID. Community ICFs/ID vary in size as follows:

- Small community ICF/ID – serves up to eight individuals;
- Medium community ICF/ID – serves between nine and 13 individuals; and
- Large community ICF/ID – serves 14 or more individuals.

Information about current vacancies at ICFs/ID can be found at

www.dads.state.tx.us/providers/ICFMR/search/index.cfm

To compare ICFs/ID in your area, go to <http://facilityquality.dads.state.tx.us/qrs/public/qrs.do>

Medicaid Waiver Programs

Medicaid home and community-based waiver programs provide services and supports to persons with Intellectual Disability who live in their own or their family's home or in other home-like

setting in the community. (They are called “waivers” because certain ICF/ID requirements are “waived.”)

In most situations an individual who is eligible for the ICF/ID Program is also eligible to participate in one of the waiver programs. An important and distinguishing feature of funding provided in the waiver programs is the funding’s ability to move with the individual to any part of the state. For example, if an individual enrolled in a waiver program in Houston, then moves to El Paso, he or she can continue to participate in the waiver program in El Paso. An individual also can change providers within the same city or area of the state.

Public or private entities may provide waiver program services and supports. DADS certifies all waiver providers initially and then review each provider at least annually to ensure the providers initially and then reviews each provider at least annually to ensure the provider continues to meet the program certification principles.

The two waiver programs are:

- Home and Community-based Services (HCS) Program: The HCS Program provides services to individuals with Intellectual Disability who live with their family, in their own home, in a foster/companion care setting, or in a residence with no more than four individuals who also receive services. The HCS Program provides services to meet an individual’s needs so that he/she can maintain him/herself in the community and have opportunities to participate as a citizen to the maximum extent possible. Services consist of case managements, adaptive aids, minor home modifications, counseling and therapies, dental treatment, nursing, residential assistance, respite, day habilitation, and supported employment. In the HCS Program, individuals pay for their room and board either with their SSI check or other personal resources. There is a limit to the yearly cost of services provided through the HCS Program.
<http://www.dads.state.tx.us/providers/HCS/index.cfm>
- Texas Home Living (TxHmL) Program: The TxHmL Program provides essential services and supports so that individuals with Intellectual Disability can continue to live with their own homes in the community. TxHmL services are intended to supplement instead of replace the services and supports an individual may receive from other programs, such as the Texas Health Steps Program, or from natural supports such as his or her family, neighbors, or community organizations. Services consist of community support, nursing, adaptive aids, minor home modifications, specialized therapies, behavioral support, dental treatment, respite, day habilitation, employment assistance, and supported employment. Service coordination is provided to the individual by the MRA. TxHmL Program services are limited to a yearly cost of \$17,000 per participant.

If an individual’s name is on the Interest list for the HCS Program, he or she may be offered an opportunity to enroll in the TxHmL Program. If the individual enrolls in TXHmL, his or her name will remain on the interest list for the HCS Program. If an individual is offered an opportunity to enroll in either the HCS or TxHmL Program, the MRA will provide information about the applicable timelines for enrollment.

<http://www.dads.state.tx.us/providers/TxHmL/index.cfm>

The following table is a description of the **ICF/ID Program**, the **HCS Program**, and the **TxHmL Program** that may be useful in understanding the differences and similarities between the programs:

Program Element	ICF/ID Program	HCS Program	TxHmL Program
Who's Eligible?	<ul style="list-style-type: none"> ▪ Individual must be Medicaid eligible* ▪ Individual must have Intellectual Disability or a related condition* 	<ul style="list-style-type: none"> ▪ Individual must be Medicaid eligible* ▪ Individual must have Intellectual Disability or an IQ of 75 or below with a related condition* 	<ul style="list-style-type: none"> ▪ Individual must be Medicaid eligible* ▪ Individual must have Intellectual Disability or an IQ of 75 or below with a related condition*
How is a provider selected?	The individual may select a particular ICF/ID; however, the ICF/ID must have a vacancy and the ICF/ID provider must agree to the individual's admission in the ICF/ID.	The individual may select any provider that serves the area in which the individual lives or intends to live. If the individual moves to another area in Texas, then the individual may select any provider that serves the area in which he or she has relocated. The waiver program provider is required to serve any individual who selects that provider. **	
What's paid for?	Rates pay for the cost of all services as well as room and board and basic personal care items ***	Rates pay for all services, but do not pay the cost of room and board or any personal care items, which must be paid by the individual's SSI or personal funds ***	
Where must the individual live? Who else would live there?	<ul style="list-style-type: none"> ▪ The individual must reside in the ICF/ID ▪ The number of individuals served by an ICF/ID can range from six to several hundred. 	Individual must reside: <ul style="list-style-type: none"> ▪ in own home; ▪ in his or her family's home; ▪ in a foster/companion care setting; or ▪ in a program residence that has no more than four residents. 	Individual must reside: <ul style="list-style-type: none"> ▪ in own home; or ▪ in his or her family's home.
When would staff be available?	Program provides staff 24 hours per day.	Staff availability depends on the needs of the individual and where he or she lives.	Staff availability depends on the needs of the individual and the total cost of services.

* *Specific eligibility criteria are described in 40 TAC Chapter 9, Subchapter E governing ICF/ID Programs – Contracting; 40 TAC Chapter 9, Subchapter D governing HCS; and 40 TAC Chapter 9, Subchapter N governing TxHmL.*

** *Providers who are operating at their contracted capacity level are not required accept additional individuals.*

*** For a Medicare beneficiary in ICF/ID, HCS, or TxHmL, all prescription medications are provided through the Medicare Prescription Drug Program. Individuals in the HCS or TxHmL Program are responsible for minimal co-payments until Dec. 31, 2011.

Person – Directed Planning

When an individual is offered Intellectual Disability services and supports, the MRA uses a person-directed planning process to develop an individualized plan of services and supports. This process empowers the individual and the individual's family to direct the development of a plan that meets the individual's goals. The process:

- Identifies existing supports and services necessary to achieve the individual's goals;
- Identifies natural supports available to the individual and negotiates needed services and supports;
- Occurs with the support of a planning team that consists of people chosen by the individual and the individual's family; and
- Accommodates the person's style of interaction and preferences regarding time and setting.

Additional information about person-directed planning can be obtained from the MRA or at: http://www.dads.state.tx.us/providers/mra/person_directed_planning.html

Selecting a Provider of Services and Supports

After you identify your preferred services and supports and it is determined that they are available, a provider must be selected. In most areas of the state, there is a choice of providers for the services and supports described in this document. It is important that you visit with different providers in order to gather information that will assist you in making a decision. The number of providers you choose to contact is your decision, but in most cases it is helpful to talk with more than one.

You may consider asking potential providers some of the following questions. Not all questions may be pertinent to your personal situation but they may assist you in formulating your own set of questions. You are encouraged to add or delete questions to fit your situation.

1. What is your agency's mission statement or philosophy?
2. Why does your agency provide services and supports to individuals with intellectual and developmental disabilities?
3. How long has your agency been a provider? What areas of the state does your agency currently serve?
4. Do you own or lease your residential home(s)? If you lease, is it a short-term or long-term lease?
5. How many individuals receive services and supports from your program at the current time? What is the maximum number of individuals the program can serve?
6. Do you have a list of families or individuals willing to share with me their experiences with your agency? (references)
7. What type of experience does your staff have serving an individual with *[fill in the blank as appropriate, for example, IDD, autism, mental illness]*?

8. How do you ensure that staff are trained and prepared before working with individuals?
9. Does your staff receive training in serving individuals with [*fill in the blank as appropriate, for example, IDD, autism, mental illness*]? Can you provide records for staff training specific to [*fill in the blank as appropriate, for example, IDD, autism, mental illness*]?
10. How often does staff turnover, especially direct care staff?
11. Do you require pre-employment screening prior to hiring staff (e.g., drugs, criminal background, abuse and neglect)?
12. What types of emergencies or crises situations are staff trained to handle?
13. What is your staff-to-individual ratio?
14. For medical or dental issues, do you have staff on site or on call?
15. What type of licensure or credential is required for staff?
16. Describe ways in which you involve an individual and family members in the development of an individual's program plan. How are their preferences addressed if they differ from the goals of your agency?
17. What choices are provided with regard to day programming, vocational training, supported employment, etc.?
18. Describe how staff assist an individual to learn daily living skills.
19. What types of items used by an individual are purchased by your agency? What types of items are not purchased by the agency?
20. If an individual enrolled in the program has behavior problems, do you develop a formal plan to manage those behaviors? If so, does that plan have to be approved by a special committee or an outside professional (e.g., a psychiatrist)? If a special committee is used, does it include outside members, professionals, parents, and individuals?
21. What are your policies regarding visitors and privacy?
22. Does an individual choose his or her daily routine?
23. What types of leisure and recreational activities are available?
24. How does your program accommodate a non-ambulatory individual?
25. Do you have staff fluent in other languages or other types of communication (e.g., sign language)? If not, is an interpreter available?
26. What type of transportation is available for an individual? Is it reliable and readily available?
27. Is staff available to support an individual to participate in activities in the community (e.g., leisure activities, sports and religious services)?
28. How and where is an individual cared for when ill?
29. Is medical staff willing to practice with an individual who is uncomfortable with a medical or dental procedure?
30. Will the individual be able to live in close proximity to [*fill in the blank as appropriate e.g., current school, day program, pace of employment, family*]?
31. How does your agency build community awareness and prepare neighborhoods about individuals with *IDD* who may move into their neighborhood? How are neighborhood disputes handles?
32. If the individual or the individual's family member is unhappy with a provider-related issue, what is the process to make a complaint?
33. Have allegations about abuse or neglect been made about your program? Have any been confirmed?

Provider Survey and Certification Information

Certification principles that HCS and TxHmL program providers must comply with can be found in DADS rules governing these programs at: www.sos.state.tx.us. Put your cursor over “State Rules and Public Meetings” and click on “Texas Administrative Code.” In the box on the right side of the screen, click on “View the Current TAC.” At the bottom of the screen click on “Title 40 Social Services and Assistance.” Click on “Part 1 Department of Aging and Disability Services.” Click on “Chapter 9,” then:

- For HCS provider certification principles, click on “Subchapter D,” then click on §§9.172 - 9.179.
- For TxHmL provider certification principles, click on “Subchapter N,” then click on §§9.578 - 9.580.

To request copies of survey documents, which include investigations of complaints, or agency literature such as directions, regulations, or publications, call 1 (800) 458-9858 and follow the voice prompts.

Every licensed ICF/ID is required to post in its facility its most recent survey report and a notice that survey and related reports are available for public inspection.

Information about ICF/ID licensing and certification, as well as reviews, surveys and enforcement process can be found at:

<http://www.dads.state.tx.us/providers/ICFMR/index.cfm>

Agencies that investigate abuse, neglect and exploitation in Intellectual Disability programs can be found at:

http://www.dfps.state.tx.us/contact_us/hotlines.asp and
<http://www.dads.state.tx.us/services/crs/>

Other Services and Support

DADS provides other community-based services through the programs listed below. More information about these programs can be found at www.dads.state.tx.us. Click on the option: “Help for Texans”.

- **Medically Dependent Children Program (MDCP)** offers home and community-based services to medically dependent children and young adults (under 21 years of age) as an alternative to a nursing facility. MDCP is designed to provide respite, adjunct support services, adaptive aids, and minor home modifications in support of families caring for their minor children and young adult children with disabilities. A statement interest list for MDCP is maintained. Services are provided to a limited number of eligible individuals on a first-come, first-serve basis. For more information, call 1(877) 438-5658.
- **Community Living Assistance and Support Services (CLASS) Program** provides home and community-based services to both children and adults with a related condition, which is a disability, other than mental retardation, that originated before age 22 years

and that affects the ability to function in daily life. Services include respite, nursing services, adaptive aids and medical supplies, minor home modifications, case management, and other related services, offering a cost-effective alternative to an ICF/ID. CLASS is available only in certain geographic areas in the state. For more information, call 1(877) 438-5658. [Local contact at Community Department for Aging and Disability Services \(DADS\)](#): Leola Bradley 903.237.2305

- **Community-Based Alternatives (CBA) Program** provides home and community-based services to aged and disabled adults (21 years of age or older) as a cost-effective alternative to institutional care in a nursing facility. Services include respite, nursing services, adaptive aids and medical supplies, minor home modifications, home delivered meals, adult foster care, assisted living/residential care services, emergency response services, prescription drugs, case management, and other related services. For more information contact your local DADS “Community Care for the Aged and Disabled” (CCAD) Office. Information about how to find the DADS CCAD Office nearest to you can be found at: www.txstars.net/servlet/HSGServlet?page=Home. Look for the “TDHS Office Locator” on the lower left side of the screen and enter the zip code of the person interested in services and click “Go.” Select the office that offers “Community Care for the Aged and Disabled” (CCAD) services.
- **Deaf-Blind Multiple Disabilities Program** serves adults (18 years of age and older) who are deaf and blind and who have another disability that has resulted in a demonstrated need for daily habilitation services. The program is provided statewide as a cost-effective alternative to ICF/ID institutional placement. Services include adaptive aids and medical supplies, assisted living (in settings that serve no more than 6 individuals), behavior communication services, case management, habilitation, minor home modifications, respite, nursing services, prescription drugs, and other related therapies. To apply for services, call 1 (877) 438-5658 and ask for the DB-MD waiver program.

Department of Assistive and Rehabilitative Services (DARS)

DARS helps individuals prepare for, find and keep employment. Individuals with a physical or mental disability that results in a substantial impediment to employment are eligible. Vocational rehabilitation services include supported employment, extended rehabilitation services, and transition planning. Call 1(800) 628-5115 or visit the web at: <http://www.dars.state.tx.us>.

DARS also provides support to families with children (from birth to 3 years of age) with disabilities or developmental delays through Early Childhood Intervention (ECI) Services. More information is available by calling 1(800) 250-2246 or by visiting the web at: <http://www.dars.state.tx.us>.

Texas Medicaid Waiver

Introduction

Since early 2006, Imagine Enterprises has provided training about self-determination and the Medicaid waivers to hundreds of people with disabilities and family members. Many of the people we meet at sessions around the state are getting off the waiting list for waiver services—often after many years of waiting. They are usually:

- excited about the prospect of getting services and supports to live in the community,
- overwhelmed by the decisions they need to make in a short timeframe, and
- hungry for as much information as they can get about what Medicaid waivers are and how they work.

The following was created in response to a request participants have made at every workshop—an easy reference guide that covers the major waivers in one place.

All of the information about the waivers comes from public information documents published on the Department of Aging and Disability Services (DADS) website. We haven't changed the information, but have attempted to format it to allow comparison between the major waivers.

While we hope this is a useful resource, it is in no way intended to be the official or final word on Medicaid waiver eligibility or services. That authority rests solely with DADS.

Important Note!

At this writing, the information related to the waiver services and service plan spending limits is current; but it is subject to change at any time. For the most up-to-date information for each waiver program, contact the appropriate DADS office. (See page 4 for Information Resources.)

What is a Medicaid Waiver?

A Medicaid waiver allows the state to be more flexible in how it spends money to provide some long-term services to some people with disabilities or elderly citizens who are eligible for Medicaid. In the past, people had to be in nursing homes or other large institutions for Medicaid to pay for long-term services.

Waivers override certain rules for how that funding can be used. Now, if they meet the eligibility requirements, people can get the services they need in their own homes or other community settings, instead of having to go into a nursing home or institution.

In Texas, there are seven different waiver programs that offer a broad range of home and community-based services to people with disabilities and elderly citizens.* There are different rules and funding amounts for each of the different waivers. In general, though they all help people get the supports they need in the community.

*On the following pages, we cover the six Medicaid Waivers available to people in all parts of the state. We have not included the Consolidated Waiver Program (CWP), because it is only available to people living in Bexar County. More information about CWP is available through the Department of Aging and Disability Services (DADS).

Medicaid Waiver Eligibility

CBA— Community Based Alternatives

Individuals must have a need for skilled nursing care; meet at least two nursing facility risk criteria; be eligible for Medicaid; be age 2 or older; and have a service plan that falls within specified annual spending levels based on the Texas index for Level of Effort for nursing facility services. Spending limits range from \$60,663 to \$127,867.

Individuals needing ventilator care may have annual service plans ranging in cost from \$87,228 to \$194,282.

CBA Service Delivery: Individuals enrolling in the CBA program must select a home and community support services provider for basic CBA services. Individuals requesting assisted living/residential care, adult foster

care, out-of-home respite services, emergency response services, and home delivered meals must also select individual providers for those services. In order to allow consumer, more control over the employment of their service providers, consumers may elect the Consumer Directed Services Option. (See box for detail.)

CLASS— Community Living & Support Services

There is no age limit for enrollment. To qualify for this service, individuals must have a related condition; be eligible for Medicaid; reside in the CLASS catchment area; have an initial service plan that does not exceed \$63,369; and require habilitation services, as determined by the individuals service planning team.

CLASS Service Delivery: Individuals enrolling in the CLASS program select a case management agency that provides case management services and a direct service agency that provides all other CLASS Program services. In order to allow consumers more control over the employment of their service providers, consumers may elect the Consumer Directed Services Option. (See box for detail.)

DBMD— Deaf Blind with Multiple Disabilities

To qualify for this service, individuals must be deaf-blind and have another disability that impairs independent functioning have either mental retardation or a related condition; be eligible for Medicaid; be age 18 or older; and have an initial service plan that does not exceed \$59,750.

DBMD Service Delivery: Consumers choose one of two Consumer Directed Services options (See box for detail.)

HCS— Home & Community-based Services Program

There is no age limit for enrollment. Individuals must have either mental retardation or a related condition that results in deficits in adaptive behavior and full scale IQ of 75 or below; be eligible for Medicaid; and have a service plan that does not cost more than \$86,313 for Level of Need (LON) 1,5, or 8, \$98,773 for LON 6 or \$ 173,876 for an LON 9 annually for initial enrollment. Individuals choose to participate in the HCS program instead of the ICF-ID Program.

HCS Service Delivery: Individuals enrolling in the HCS Program select a provider for all program services.

MDCP— Medically Dependent Children Program

To qualify for this service, individuals must be under 21 years of age; be eligible for Medicaid based on their income and financial resources; meet the medical criteria for admission to a Texas nursing facility meet the Supplemental Security Income medical disability criteria and have an individual plan of care that falls within specified annual spending levels based on the Texas Index for Level of Effort for nursing facility services. Annual spending level ranges from \$15,166 to \$31,967. If the individual is 18 years of age or younger, he or she must reside with a family member or with a foster family that includes no more than four children who are unrelated to the individual.

MDCP Service Delivery: Families of individuals enrolling in MDCP receive case management provided by DADS staff and choose among eligible providers for respite, adjunct support services, minor home modifications, adaptive aids and transition assistance services.

TxHmL— Texas Home Living Program

An adult or child is eligible for TxHmL if he or she has mental retardation or a related condition and meets the criteria (or a Level of Care I in an ICF-ID; is a current Medicaid recipient; does not require intensive one-to-one supervision to prevent dangerous behavior; has an Individual Plan of Care (IPC) approved by the DADS; is not enrolled in another Medicaid waiver program; chooses to participate in the TxHmL program instead of the ICF-ID Program; and lives in his or her own home or family home. Annual spending may not exceed \$10,000.

TxHmL Service Delivery: A service coordinator who works for the local community MHMR center works with individuals to plan services intended to help individuals to continue to live in their own, or family homes.

Consumer Directed Services Options

Consumer Directed Services: Individuals may exercise the option to self-direct and manage their personal assistance services and respite care providers.

Consumer Directed Services Agency: Consumers select an agency to perform payroll functions, employer orientation, training and support, and administrative and financial responsibilities on their behalf.

Medicaid Waiver Services Comparison

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

Medicaid Waiver Services Comparison

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

Medicaid Waiver Service

Definitions

Adaptive Aids: Devices, controls, or appliances that enable users to retain or to increase their abilities to perform activities of daily living control their environment. Adaptive aids assist with mobility, communication, or treat, rehabilitate, prevent, or compensate for conditions resulting in disability or loss of function.

Adjunct Support Services: Direct care service that helps people participate in child care, post secondary education, independent living or support moving to an independent living situation. Primary caregiver chooses the type of provider from a list of enrolled providers, including home health agencies, independently enrolled registered nurses or licensed vocational nurses.

Adult Foster Care: Twenty-four hour living arrangement in a foster home for persons age 21 or older who, because of physical or mental limitations, are unable to continue residing in their own homes. Services may include meal preparation housekeeping, personal care, help with activities of daily living and transportation.

Assisted Living (DBMD): Habilitation, chore services, personal care, and 24-hour supervision and assistance in a group home setting that serves no more than six individuals.

Assisted Living (CBA): Twenty-four hour living arrangements in a licensed personal care home that offers personal care; home management escort, social, and recreational activities; 24-hour supervision; supervision of, assistance with, or direct administration of medication; and transportation.

Audiology: Provides a licensed audiologist to assess and direct therapeutic intervention and training, as well as to consult with individuals, their family members and service providers.

Behavior Communication Specialist: Services to assess, develop, modify or improves individuals' cognitive and affective skills. Services include conducting behavioral assessments and making recommendations; developing strategies for improving client/staff interactions; reducing maladaptive behaviors; improving appropriate communication skills; creating meaningful and appropriate activities; resolving issues of concern to the client supervising the implementation of behavior strategies, activity routines, and/or skills development programs and monitoring their effectiveness; and counseling with and educating the client's family, friends, and service providers about interacting with a client whose behaviors may interfere with independent living.

Behavioral Support: Specialized interventions that help a person overcome behaviors that prevent or interfere with inclusion in home and family life or community life.

Case Management: Assisting with eligibility; coordinating and developing a service plan; monitoring the quality and delivery of waiver and nonwaiver services; acting as an advocate; identifying resources and making community referrals; providing crisis intervention; and safeguarding individual rights,

Chore Services: Helps consumers maintain their homes as safe, clean environments through services such as washing floors, windows and warts; tacking down loose rugs and tiles; and moving heavy items to provide safe access.

Community Support: A wide range of individualized services in the participants home or other community locations to support activities of daily living, participation in typical community activities, job training or employment preparation, and relationships with friends, families and others who are not service providers.

Day Habilitation: Helps individuals learn, retain, and improve their self-help, socialization, and adaptive skills so they can reside successfully in the community.

Dental: Emergency, preventive and therapeutic dental treatment, including routine exams.

Dietary / Nutrition: Provides a licensed dietician to conduct face-to-face assessment consultation, and staff training. Services include determining basic or special therapeutic nutritional needs.

Emergency Response Services: An electronic monitoring system for use by individuals with functional impairments who live alone or are isolated in the community. In an emergency, individuals can press a button to signal for help round-the-clock.

Employment Assistance: Help locating paid employment in the community by identifying job interests, evaluating skills and support needs and locating employers offering compatible employment.

Foster/Companion Care Services: Provided to individuals of all ages in a home-like environment as an alternative to living in a group home.

HabilitationAttendant / HabilitationTraining: Helps persons living in their own or their families homes learn, retain, or improve skills related to activities of daily living including personal grooming and cleanliness, bed making and household chores, preparing and eating food, and social and adaptive skills. (See Residential Habilitation Services in DBMD. Supported Home Living in HCS and Personal Assistance services in CBA.)

Home Delivered Meals: An in-home service providing meals to individuals who are following a regular or therapeutic medical diet in the routine absence of a caregiver or attendant who could provide meals.

Intervenor: An intervenor involves individuals in community services and activities. The intervenor makes sights, sounds, and activities accessible to clients by learning their specific communication system including sign language, speech, tangible symbols, gestures, nonverbal cues, actions, and behavior.

Minor Home Modifications: Assess the need for arrange for, and modify or improve individuals' living quarters to allow community living and ensure safety, security, and accessibility.

Nursing Services: Services (provided by a licensed nurse) include monitoring health conditions, administering and monitoring medication, providing referrals for medical services, and training individuals, their family members, and support personnel.

Occupational Therapy: Skilled treatment to help individuals achieve independent functioning in all aspects of their lives. Services include assessing needs, developing a treatment plan determining therapeutic intervention, training, helping with adaptive aids, and consulting with the family and provider.

Orientation & Mobility: Evaluates a persons needs and creates a plan to develop skills across an expanding environment. Services include teaching independent travel skills to individuals who are visually impaired so they can safely and efficiently negotiate their environment and training habilitation staff to create environments that enhance independent travel and to follow through on orientation and mobility goals.

Personal Assistance Services: Personal assistants help with activities of daily living and household chores necessary to maintain clean and safe home environments. Persons receiving services live in community settings other than Adult Foster Care homes or assisted living facilities. Services may include protective supervision and help performing health related tasks that are delegated by a registered nurse in accordance with Texas Board of Nurse Examiners rules. (See Residential Habilitation Services in DBMD, Supported Home Living in HCS and Habilitation/Attendant Training in CLASS,

Physical Therapy: Helps individuals improve their range of motion and physical functioning, as well as retain their physical conditioning. Services include assessing needs, developing a treatment plan, determining therapeutic intervention, training, helping with adaptive aids, and consulting with the family and provider.

Prevocational: Services help individuals prepare for paid or unpaid employment, but are not job-task oriented. Focuses on concepts like compliance, attendance, task completion, problem solving, and safety. Persons served are not expected to be able to join the general workforce or participate in a transitional sheltered workshop. Services are typically provided in a group setting, such as a sheltered worksite or day activity center

Psychology: A licensed psychologist performs services that are directed toward modifying and improving cognitive and affective skills. Services include counseling individuals and assessing and training direct service providers or family members with regard to a specific individual treatment plan.

Residential Habilitation Services: Helps persons living in their own or their families homes earn, retain, or improve skills related to activities of daily living including personal grooming and cleanliness, bed making and household chores, preparing and eating food, and social and adaptive skills. (Same as Habilitation Attendant / Habilitation Training in CLASS and Supported Home Living in HCS.)

Residential Habilitation (24-Hour): Habilitation, chore services, personal care and 24-hour supervision and assistance in a shared apartment setting that serves no more than three individuals.

Residential Support: Supervision and assistance in a group home setting from service provider staff who remain awake during normal sleeping hours. Most individuals who receive residential support services do so to address medical conditions, maladaptive behaviors and assistance with activities of daily living.

Respite Care: This service provides temporary relief for unpaid primary caregivers or provides care when the care giver is absent. Respite services are provided either in or out of the home.

Social Work: Assessing needs, providing direct therapeutic intervention and training and consulting.

Specialized Therapies: Therapeutic intervention to decrease inappropriate behaviors, provide opportunities for socialization, and improve physical and medical status. Services include musical therapy, recreational therapy, massage therapy, hippotherapy, hydrotherapy, therapeutic horseback riding, auditory integration therapy, nutritional services; and aquatic therapy.

Speech/Hearing and Language Services: Corrective or rehabilitative treatment for persons with speech, hearing or language disorders. Services include assessing needs, developing a treatment plan, determining therapeutic intervention, training, helping with adaptive aids, and consulting with the family and provider.

Supervised Living Services: (for individuals who live in a group home setting) Services include habilitation, supervision and assistance from service provider staff, if needed, during normal sleeping hours.

Supported Employment: Helps sustain paid employment for individuals who because of their disability, require intensive, ongoing support to perform in a work setting. Supported employment must be provided at work sites in which persons without disabilities are also employed. Services include adaptations, supervision and training, as related to the individual's diagnosis.

Supported Home Living: Helps persons living in their own or their families' homes learn, retain, or improve skills related to activities of daily living including personal grooming and cleanliness, bed making and household chores, preparing and eating food, and social and adaptive skills.

Transition Assistance Services: Helps Medicaid-eligible nursing facility residents transition from a nursing facility into the CBA, CLASS, DBMD or MDCP programs. Services include paying for one-time, initial expenses required for setting up a household, including security deposits for rent and utilities, household items, pest eradication, allergen control and one-time cleaning.

Medicaid Waiver Information Resources

DADS: Dept of Aging & Disability Services

- CBA Information: Contact local DADS office. Check phone book blue pages or go online to: www.dads.state.tx.us/contact/combined.cfm
- CLASS DBMD or MDCP Information: 1-877-438-5658 (toll free)
- HCS and TxHrnt Information: Contact local Mental Retardation Authority (MRA). Check phone book or go online to: www.dads.state.tx.us/contact/mra.cfm

Other Useful Web Pages:

- Information about the Medicaid waivers: www.dads.state.tx.us/providers/waiver_comparisons
- Local Mental Retardation Authority list: www.dads.state.tx.us/contact/mra.cfm
- Long Term Care Quality Reporting System: <http://facilityquality.dhs.state.tx.us>

Waiver Information Network (WIN) www.selfdetermined.org 1-800-572-7159 (Toll Free)

The Self-Determination for Texas project advances the principles of self-determination in the lives of Texans with disabilities. It's a project of Imagine Enterprises with funding from the Texas Council for Developmental Disabilities.

Imagine Enterprises

Self-Determination for Texas

1402 Spring Cress Lane

Seabrook, TX 77586

Telephone: 1-800-572-7159 (Toll Free) E-mail: info@selfdetermined.org

Website: www.selfdetermined.org

For Additional Information

After reviewing this information, you may have questions or concerns. You are encouraged to visit with your MRA representative in person. You may find it useful to speak with individuals who are currently receiving services as well as their family members. If you would like to do this, your MRA representative can assist you. Additionally, there are a variety of organizations that provide advocacy and information to individuals with mental retardation and their family members. The following alphabetical listing is offered for your convenience:

<p>Disability Rights Texas (formerly Advocacy, Inc.) 7800 Shoal Creek Blvd., Suite 171-E Austin, Texas 78757-1024 Statewide Intake for New Callers (800) 252-9108 Toll-Free Line for Current Clients (800) 315-3876 http://www.disabilityrightstx.org/contact/</p>	<p>Texas Center for Disabilities Studies The University of Texas at Austin, L4000 Commons Learning Center 10100 Burnet Rd Austin, TX 78758-4445 1(800) 828-7839 http://uap.edb.utexas.edu</p>
<p>DADS Consumer Rights and Services 1(800) 458-9858</p>	<p>Texas Council for Development Disabilities 6201 E. Oltorf, Ste. 600 Austin, TX 78741-7509 1(800) 262-0334 http://www.txddc.state.tx.us</p>
<p>Every Child, Inc. 8400 N. Mopac, Suite 201 Austin, TX 78759 (512) 342-8844 1.877.742.8844 (toll free) www.everychildtexas.org</p>	<p>The Arc of Texas (and Texas Advocates) 8001 Centre Park Drive, Ste 100 Austin, TX 78754 1(800) 252-9724 http://www.thearcoftexas.org</p>
<p>Parent Association for the Retarded of Texas, Inc. (PART) P.O. Box 9733 Austin, TX 78766-9733 http://www.partoftx.org</p>	<p>United Cerebral Palsy of Texas now named: Ability Connection Texas (ACT) 512-468-7645 phone number for ACT: Ability Connection Texas http://www.abilityconnectiontexas.org/about.php http://www.ucp.org/ - national http://www.ucpdallas.org/index1.htm</p>

Long Term Services and Supports

Services for Adults and Children with Medical/Physical Disabilities

Not all services are offered in all areas of the State.

Adult Foster Care (AFC) — Services such as assistance with personal care, activities of daily living and transportation provided in a 24-hour living arrangement with supervision for persons unable to independently function in their own homes.

Community Attendant Services (CAS) — Home attendant care services provided to persons with a medical diagnosis that results in functional limitations.

Community Based Alternatives (CBA) — Services and supports provided to persons in their own home, an assisted living facility or in an adult day care setting as an alternative to institutional care in a nursing facility. These services may include adaptive aids and medical supplies, adult foster care, assisted living, residential care services, consumer directed services, emergency response services, home delivered meals, minor home modifications, nursing services, occupational therapy, physical therapy, personal assistance services, respite care, speech and/or language pathology services and prescription drugs (if not covered through Medicare).

Community Living Assistance and Support Services (CLASS) — Home and community based services and supports, such as habilitation, minor home modifications, nursing, specialized therapies, respite and case management, available for persons with developmental disabilities other than mental retardation as an alternative to institutional placement. Additional information can be obtained by calling 1-877-438-5658 (toll free).

Client Managed Personal Attendant Services (CMPAS) — Personal assistance services provided to persons with physical disabilities who can supervise their attendants or delegate the supervision. Services are available in the Lubbock, Dallas, Nacogdoches, Harris, Travis, Bexar and El Paso county areas and all of the lower 19 counties of south Texas. Additional information can be obtained by calling the local Long Term Services and Supports Office listed for your county.

Day Activity and Health Services (DAHS) — Daytime services provided Monday through Friday to address physical, mental, medical and social needs in a congregate setting as an alternative to institutional care.

Deaf-Blind with Multiple Disabilities (DBMD) — Home and community based services for persons who have legal blindness; a chronic, severe hearing impairment; or a condition that leads to deaf-blindness and a third disability that results in impairment to independent functioning. This program is an alternative to institutional care and offers services such as attendant care, orientation and mobility, and assisted living. Additional information can be obtained by calling 1-877-438-5658 (toll free).

Emergency Response Services (ERS) — An electronic monitoring system for emergency assistance available for persons who spend significant time alone and have a functional impairment.

Family Care Services (FCS) — Non-skilled attendant care services, such as home management or personal care services, available to persons with functional limitations to assist with activities of daily living.

Home Delivered Meals (HDM) — Delivery of a nutritious meal to a persons home to ensure at least one healthy meal per day. Services do not include congregate meals, nutrition education or nutrition counseling.

Hospice Services—A program of palliative care consisting of medical, social and support services provided to a person with a six-month physician-prognosis of terminal illness. Additional information can be obtained by calling 512-438-3519.

Medically Dependent Children Program (MDCP) — Services and supports to families caring for a medically dependent child in their home who is less than 21 years of age. These services may include adaptive aids, adjunct support services (such as those that support independent living, participation in child care and participation in post-secondary education), minor home modifications, respite and transition assistance services.

Primary Home Care (PHC) — Attendant care services provided to persons with a medical diagnosis that results in functional limitations.

Program of All-Inclusive Care for the Elderly (PACE) — Comprehensive community-based services and supports, such as any and all health-related services, social services, in-home care, meals, transportation, day activity and housing assistance, for frail elderly persons as an alternative to nursing facility care. These services are currently available in the Amarillo and El Paso areas. Additional information can be obtained by calling 915-434-7563.

Residential Care (RC) — Access to 24-hour assistance, including personal care, home management and social and recreational services, for persons who do not require daily nursing intervention.

Special Services to Persons with Disabilities (SSPD) — Services provided in a variety of settings designed to assist persons in developing the skills needed to live in the community as independently as possible. Services are available in the Dallas, Tyler and Houston areas. Additional information can be obtained by calling 512-438-3740.

Special Services to Persons with Disabilities / 24-Hour Shared Attendant Care (SSPD-SAC) — Attendant care available 24 hours a day for persons living independently in a clustered living environment to achieve habilitative or rehabilitative goals. Services are only available in Houston. Additional information can be obtained by calling 512-438-3740

Services for Older Adults Age 60+ and Caregivers

For more information about the services listed below, call 1-800-252-9240 and you will be muted to the Area Agency on Aging nearest you. You may also contact the Area Agency on Aging listed for your county, located at the end of this packet.

Access & Assistance Services — Access and assistance services include information, referral and assistance; care coordination; caregiver support and coordination; caregiver program development; benefits counseling and awareness; and advocacy for residents of long term care facilities through the Ombudsman program.

Caregiver Support Services — Caregiver support services are services for families to assist them in maintaining their caregiver roles. A caregiver is an adult family member or another individual who provides in-home and community care to an older individual or to an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction. Additionally, a grandparent or older individual who is a relative caregiver, who lives with the child, is the primary caregiver based on certain circumstances, and has a legal relationship to the child who is 18 years of age or younger may be eligible for services. Older caregivers caring for individuals of any age with severe disabilities may also receive support services. Services provided under this program include caregiver support coordination, caregiver information services, caregiver education and training, caregiver respite care-in-home, and institutional and non-residential support, such as the caregiver's day out program.

In-Home Support Services — In-home and community services include homemaker services, personal assistance, chore maintenance, adult day care, residential repair, health screening, monitoring and maintenance, emergency response, instruction, training, transportation, hospice services and services provided in a senior center.

Nutrition Services — Nutrition programs include meals and educational services to ensure older persons have access to appropriate nutrition. Services include congregate meals, home delivered meals, nutrition education and nutrition counseling/consultation.

Services for Adults and Children with Intellectual and Developmental Disabilities (IDD)

For more information about the services listed below, contact your local branch of DADS.

Home and Community-based Services (HCS) — Services and supports available in a person’s own home or family home, or in a small residential program. Services include day habilitation, employment assistance, respite and specialized therapies.

Intermediate Care Facilities for Persons with Mental Retardation (ICF/ID) — 24-hour residential and habilitation services provided in homes for groups ranging in size from six to more than 100 people.

Intellectual and Developmental Disability Community Services (MRA Services) — Services and supports, such as day habilitation, employment assistance and respite provided to assist persons to live in the community.

State Supported Living Center (SLC) — State facilities that provide 24-hour residential and habilitation services for persons with severe or profound mental retardation, or those persons with mental retardation who are medically fragile or have behavioral problems.

Texas Home Living Program (TxHmL) — Services and supports, such as day habilitation, respite and employment assistance, for persons who live in their own home or their family’s home.

Additional Services

Relocation Assistance — Assistance available to nursing facility residents to transition back to their own homes or community setting. For more information, contact the local Long Term Services and Support office listed for your county, located at the end of this packet

Texas Health Steps — Available through the Texas Department of State Health Services, this program provides periodic preventive medical checkups, diagnosis and treatment, including the activities that promote and support preventive health care, for Medicaid enrolled children through age 20. An expanded portion of the Texas Health Steps program, called the **Comprehensive Care Program**, includes treatment in freestanding psychiatric hospitals, developmental speech therapy, developmental occupational therapy, augmentative communication devices/systems and private duty nursing. For more information, contact: 1-877-847-8377

Personal Care Services

Personal Care Services is a Medicaid benefit that helps people with everyday tasks. You might be able to get Personal Care Services if you:

- Have a disability, physical or mental illness, or health problem that lasts for a long time.
- Are 20 years old or younger
- Have Medicaid
- Need help with everyday tasks

Personal Care Services can help you:

- Take a bath or shower.
- Get dressed.
- Fix meals and eat.
- Go to the bathroom.

- Do light housework.
- Do laundry.

Personal Care Services doesn't include:

- Things that a person can do on their own.
- Things a parent can help their child with.
- Services that Medicaid already offers.
- Nursing care.
- Respite care (a short break for people caring for a family member).
- Child care.

To learn more about Personal Care Services call toll-free 1-888-276-0702, Monday to Friday, 7 a.m. to 7 p.m. When you call, your name and address will be sent to the Department of State Health Services (DSHS). A DSHS case manager will contact you to talk about Personal Care Services.

“AGE OF MAJORITY” GUARDIANSHIP FOR TEXANS WITH DISABILITIES

*** Ask for Supplemental Handouts**

Guardianship is a legal device used to protect the rights and interests of an incapacitated person; one who cannot manage their own personal and/or financial affairs by themselves. In Texas, a guardianship can be appointed over the person, the estate or both. The court can grant the guardian either full or limited authority over the person as indicated by the person's actual abilities. In each type of guardianship, the powers and duties of the guardian must be specifically stated. If the guardian is granted limited authority, the court must design the guardianship to encourage the development or maintenance of maximum self-reliance and independence of the incapacitated person.

Be aware that, no matter the disability, once a person turns 18 they are their own legal guardian unless a court has ordered otherwise. Parents no longer have the legal authority to make decisions for their adult child unless they are appointed guardian by a judge. Not every person with a disability will need a guardian. In considering this issue, you should carefully evaluate their ability to manage their own personal and financial affairs.

General Considerations about Guardianship

- Because of complicated rules regarding the procedures for filing, presenting evidence, etc. it is highly recommended, but not legally necessary, to hire an attorney.
- It is very important to select a guardian who is acceptable to the person with a disability and who sincerely and unselfishly cares for the person. Preference should be given to someone close in age or younger than the person with the disability.
- Marriage, Voting and Sterilization, under Texas laws, are rights that cannot be transferred to a guardian.
- If you move to another state, you should have your guardianship reviewed by a lawyer in your new state.
- The court will appoint an Attorney Ad Litem to represent the interests of the person with a disability once the necessary paperwork is filed in the appropriate courts.
- If the guardianship is sought over a person who has intellectual and developmental disabilities, the individual must be examined by a physician or psychologist licensed in Texas or Certified by DADS.
- The courts must annually review each guardianship to determine whether the guardianship should be continued, modified, or terminated. This review takes place in the court in which the guardianship proceedings were initially held.
- Texas law permits the appointment of a successor guardian if the first guardian dies, resigns, or is removed. They can be named at the time the initial guardian is named, or at a later date.
- Texas law permits the appointment of temporary guardians for certain persons if the court has probable cause to believe that the person requires immediate appointment of a guardian.

Who's in Charge After Age 18?

“Seven frequently asked questions about guardianship”

By Ana Vogel

1. Is guardianship really something I need to make a decision about? Can your young adult make important legal decisions for him/herself. Most parents incorrectly assume they are the legal guardians of their disabled children, even after age 18. They are not, unless guardianship has been legally established.
2. What is guardianship? It is the legal right to make decisions for another person.
3. How important is establishing legal guardianship when planning for the future? The age of majority in Texas is 18, when all people are legally considered to be an adult. Adults have the legal right to make their own decisions and manage their own personal affairs such as finances, property, etc. Only courts have the authority to remove these rights from an individual. Does an adult's disability severely impair their ability to make reasonably responsible decisions about their money, property, safety etc.?
4. Are there guidelines that can help me make a decision about guardianship? It is a decision that should be weighed carefully. Establishing legal guardianship may be an obstacle for a person who has the potential for developing significant independence. Families may want to consider less restrictive options that might meet their disabled loved one's needs. Here are some things to consider:
 - ❖ Does the person have the capacity to manage their personal affairs?
 - ❖ Can the person understand medical treatment and care enough to make decisions about procedures and treatments?
 - ❖ Do parents and siblings need to gain access to important legal documents and records that would otherwise require the consent of the person with disabilities?
 - ❖ Does the person have assets he/she cannot adequately and securely manage?
 - ❖ Can the person make reasonably responsible informed decisions regarding medical care support services and financial matters?
5. When can parents establish guardianship? After the child's 18th birthday.
6. How many types of guardianship are there? Guardianship of a person or property-the guardian decides on personal issues and general welfare such as where to live, consent for medical treatment and services.
 - ❖ Full guardianship - the most familiar and restrictive option, the guardian makes all property and personal decisions. .
 - ❖ Limited guardianship - helps ensure some independence, the guardian has authority over specific matters only.
 - ❖ Temporary guardianship - for a limited time, used if a problem arises and the court orders a "protective order" or a temporary guardian for a specific period of time.
 - ❖ Public guardianship - someone who provides guardianship to a ward of the court when no family member or friend is available or willing to assume the responsibility. Many states have appointed public guardians and some non-profit organizations are contracted by the state and local government to fill the position of guardian.
7. How can I find out more about guardianship including a list of attorneys? Contact The ARC of Dallas, 214-634-9810 or visit The Arc's website, www.arcdallas.org

WILLS / LETTER OF INTENT

Allows for a written plan to let others know what you want in the future - both legal (will) and personal (letter of intent)

Identifies advocates/guardians to carry out the plan

Identifies funds/resources to assure quality of life and

Must include a Special Needs Trust to manage these current and future resources.

- * OBTAIN A STATE I.D. CARD AT YOUR LOCAL D.P.S. OFFICE. THIS OFFICIAL IDENTIFICATION WILL PREVENT FUTURE CONCERN WHEN AN I.D. MAY BE REQUIRED!

Special Needs Trusts / SSI Spotlight on Trusts

What is a trust?

- A trust is a legal arrangement regulated by state law in which one party holds property for the benefit of another. A trust can be set up for a SSI beneficiary.
- A trust can contain:
 - * Cash or other liquid assets; and
 - * Real or personal property that could be turned into cash.

Can a trust be set up to give a SSI beneficiary-adult or child-more financial independence?

- Yes. The type of trust is one where:
 - * The SSI beneficiary does not have the legal authority to control how the money is spent; and
 - * A trustee manages the trust and decides how to spend the money to meet the person's needs.

How do resources in this type of trust count in the SSI program?

- Money or property in this type of trust for a SSI beneficiary (or person whose resources are deemed available to a SSI beneficiary) does not count toward the SSI resource limits of \$2,000 for an individual (or \$3,000 for a couple).

NOTE: Some trusts which are not counted as resources for SSI purposes may affect Medicaid eligibility. In these cases, the State will determine Medicaid eligibility.

How does money from the trust affect the individual's SSI payments?

- Money paid directly to the providers for items other than the person's food, clothing, and shelter does not reduce SSI payments. (Items that are not "food, clothing, or shelter" include medical care, telephone bills, education, and entertainment.)

- Money paid directly to the providers for food, clothing, or shelter does reduce the individual's SSI payments-but only up to a limit. No matter how much money is spent for these items, no more than \$160.66 (in 1992) is subtracted from the individual's SSI check.
- Money paid directly to the individual from the trust reduces the SSI payment.

How can you find out more about setting up a trust?

- Social Security cannot tell you how to set up a trust.
- Consult a lawyer or financial advisor to find out more about trusts.
- Your local Social Security office has a list of groups that can find you a lawyer or give you free legal services if you qualify.
- You may also contact the State or local bar association or the Legal Services Corporation for legal assistance if you qualify.
- You can contact your local bank to set up a Special Needs Trust account.

This information is general; to find out how it applies to you or for more information, contact your local Social Security office.

BASIC LIFE PLANNING STEPS

1. Prepare a Life Plan. Decide what you and the person with the disability want for the future in all of life's many areas - residential, employment, social, medical care, religion, final arrangements, etc. Remember that while professionals have come and gone over the years, you have been the only constant in your loved ones life.
2. Write a Letter of Intent. Put your hopes and desires in writing as guidance for future care providers.
3. Recommend future Advocates or Guardian/Conservators - the person who will visit and make sure your wishes will be carried out.
4. Determine the realistic cost of your plan.
5. Select a combination of resources that will provide adequate funds for the person's lifetime (1-85 years) - government benefits, family assistance, inheritances, savings, investments, life insurance, etc.
6. Have an attorney prepare carefully worded Last Wills and Testaments.

7. Work with an attorney to decide whether to establish an Intervivos Special Needs Trust to manage the resources now and in the future, protect government benefits, provide supplemental assistance, etc. Choose a number of Successor trustees to manage the trust funds in the future in case you go into a nursing home or when you die.
8. Place all life and estate planning items in a Special Life Planning binder - Letter of Intent, legal documents, medical records, birth certificates, etc.
9. Hold a meeting with all the parties to review your plan - give out relevant copies of documents, let others know where you keep your planning binder, etc.
10. Review your plan at least once a year - update your Letter of Intent, have legal documents modified as needed.

RELAX! You have done all that you can to make sure that the person will be well taken care of in the future.

A DESKTOP GUIDE TO SOCIAL SECURITY AND SSI WORK INCENTIVES

Special rules make it possible for people with disabilities receiving Social Security or Supplemental Security Income (SSI) to work and still receive monthly cash payments and Medicare or Medicaid. Social Security calls these rules "work incentives." Some rules are different for Social Security and SSI beneficiaries. Following are the rules that apply under each program. For more copies or additional materials on work incentives, contact any Social Security office.

Social Security

Trial Work Period - a period of nine-months (not necessarily consecutive) during which the earning of a Social Security beneficiary who is blind or disabled will not affect his or her benefit. (The nine months of work must occur within a 60-month period.)

Extended Period of Eligibility - For at least three years after a successful trial work period, a Social Security beneficiary who is blind or disabled may receive a disability check for any month that his/her earnings are below the substantial gainful activity level (in 1996, \$500 for people who are disabled, \$960 for people who are blind).

Continuation of Medicare - If Social Security disability payments stop because a person has earnings at or above the substantial gainful activity level, but the person is still disabled, Medicare can continue for at least 39 months after the trial work period. After that, the person can buy Medicare coverage by paying a monthly premium.

Impairment-Related Work Expenses - Certain expenses for things a person with a disability needs because of his/her impairment in order to work may be deducted when counting earnings to determine if the person is performing substantial gainful activity.

Recovery During Vocational Rehabilitation - If a person recovers while participating in a vocational rehabilitation program that is likely to lead to becoming self-supporting, benefits may continue until the program ends.

Special Rules for Persons Who Are Blind - Several special rules apply to working beneficiaries who are blind. For example, they can earn up to \$960 before their benefits are affected. Ask at the Social Security office for details on work incentives for beneficiaries who are blind.

Supplemental Security Income (SSI)

www.ssa.gov/pgm/ssi.htm

Continuation of SSI - Working SSI recipients who are blind or disabled may continue to receive payments until countable income exceeds SSI limits.

Continuation of Medicaid Eligibility - Medicaid may continue for SSI recipients who are blind or disabled and earn over the SSI limits if they cannot afford similar medical care and depend on Medicaid in order to work.

Plan for Achieving Self-Support - A SSI recipient who is blind or disabled may set aside income and resources toward an approved plan for achieving self-support (PASS).

Impairment-Related Work Expenses - Certain expenses for things a person with a disability needs because of his/her impairment in order to work may be deducted when counting earnings to determine if a person is eligible and to figure the payment amount. For working persons who are blind, the work expenses need not be related to the impairment.

Recovery During Vocational Rehabilitation - If a person recovers while participating in a vocational rehabilitation program that is likely to lead to becoming self-supporting, benefits may continue until the program ends.

Sheltered Workshop Payments - pay received in a sheltered workshop is treated as earned income, regardless of whether it is considered wages for other purposes. This enables Social

Security to exclude more of the sheltered workshop employee's earnings when computing his/her SSI payment.

Students with Disabilities - Tuition, books, and other expenses related to getting an education may not be counted an income for recipients who go to school or are in a training program.

Social Security Office
10824 North Central Expressway
Dallas
(800) 772-1213

Disabled May Earn More, Keep Benefits, Administration Says (July 1, 1999)

www.ssa.gov/pgm/ssi.htm

Social Security Ruling Intended to Increase Employment of Recipients

The first increase in earnings allowed since 1990 was part of the Clinton administration's effort to encourage the disabled to go to work. The Social Security Administration made the adjustment through regulation.

Separately, the Senate just passed legislation giving people with disabilities other incentives to work, including the ability keep government health insurance. Similar legislation, which President Clinton supports, is pending in the House.

The new rules affect both of the federal government's disability programs.

The Social Security Disability Insurance program aids people of all incomes who have worked for at least 10 years before becoming disabled.

This year applicants to the program may earn up to \$____ each month and still qualify, and they may earn that much once they are on the program and still keep their benefits. If they exceed \$____, all cash benefits will cease except Medicaid insurance continues. (ex. In 2012 a student can receive up to \$1481.00 in monthly wages before cash will stop and Medicaid will continue.)

The program pays an average of \$_____ per month to 4.7 million beneficiaries and 1.6 million members of their families.

The change will affect only the application process for Supplemental Security Income, or SSI, which aids poor people with disabilities. Applicants may earn up to \$_____ a month and still qualify. But the program, which is based on income, already reduces benefits by \$1 for every \$2 earned above \$65, and that will not change.

Each year, nearly 400,000 people collecting disability benefits work in some way, but many others do not try for fear of losing cash and medical benefits, advocates say.

The change does not affect workers who are blind. They already may earn \$_____ per month - a figure set in legislation and which rises with inflation each year.

* **YOU MUST INSERT CURRENT DOLLAR AMOUNTS IN THE BLANKS AS THEY CHANGE ANNUALLY! Contact Social Security Office for current amounts. www.ssa.gov/pgm/ssi.htm**

MASTER POOLED TRUST FUND

What is the ARC of Texas Master Pooled Trust?

To help families plan for the needs and improve the quality of life for their loved one with a disability, the ARC of Texas has created the Master Pooled Trust. This program is a single trust between a financial institution (the trustee) and The ARC of Texas (the manager) that:

- Allows family members to establish a trust sub-account with significantly lower dollar amounts and more reasonable fees than a ban.
- Serves anyone who meets the definition of a person with a disability under the Social Security Act.
- Is used for supplemental needs of the individual with disabilities while ensuring continued eligibility for federal benefits.
- Frees family members from learning Medicaid regulations and completing reports to Medicaid.

How can the Master Pooled Trust benefit us and our loved one?

The ARC Trust benefits donors and their beneficiaries who have a disability by spreading trust administrative costs among many sub-accounts, making fees paid by families more reasonable. Expert and up-to-date advice, management, and reporting assistance is also provided by The ARC of Texas staff to representatives who manage the affairs of the beneficiary. Another benefit is peace of mind knowing that a perpetual plan is in place that provides a reasoned and systematic approach to matters affecting the quality of life for the donor's loved one.

How was the trust developed?

The ARC of Texas Master Pooled Trust Program was developed by a committee of volunteer parents and professionals. The Trust document and joinder agreement is based on the ARC of Indiana's Master Pooled Trust, the latest changes in Federal law, and ideas from other states.

What does it cost to have a sub-account in The ARC of Texas Trust?

Enrollment \$300
Annual renewal: \$50

For more information on the Master Pooled Trust contact:

The ARC of Texas
1600 West 38th Street, Suite 200
Austin, Texas 78731
1-800-252-9729
www.thearcoftexas.org

The ARC (Association for Retarded Citizens)

Local Contact Information for the ARC:

12700 Hillcrest Plaza Drive
Dallas, TX 75230
(214) 634-9810

SPREAD THE WORD..... What does the ARC provide for learning and having fun?

Gregg County Chapter Self Advocates: The Gregg County Chapter Self Advocates under the direction of the Texas Advocates meet every 2nd Tuesday of the month at the Downtown Coffee Shop, 107 E. Tyler St. from 3:30 pm – 4:30 pm (903-234-9119). A group of individuals with developmental disabilities join together learning skills toward leadership, public policy, systems services, and how to communicate, interact, and fight for his/her right within the community. The Self Advocates also receive training toward basic living skills and attend advocacy conferences/workshops when available. Guest speakers are often present. Dues are \$15.00 yearly which also qualifies you as a member of the ARC of Gregg County.

Project Star: Project Star, organized by volunteer, Andrea Silverthorne, is a monthly evening event which involves one or more activities such as dancing, magic shows, talent shows, karaoke, hayride, cookouts, or guest appearances. Locations for the event differ each month. More than 150 individuals are enrolled in the Project Star program. Dues for participating are \$5.00 monthly billed to you quarterly (one time yearly fee of \$60.00 also accepted).

Parent/Professional Education

The ARC is an organization that works rigorously to provide current information about disability-related issues to parents and professionals in the field. This includes: prevention projects, media relations, membership meetings, brown bag workshops, informative conferences, and public speaking engagements.

Minority Outreach

In an effort to reach families and members of minority communities, The ARC actively recruits people from these communities to help with dissemination of information. The goal is to increase awareness of available services to individuals with intellectual disabilities and related developmental conditions.

Leisure & Leadership Activities

The ARC offers regularly scheduled events such as, bowling, dances, and other cultural activities. In addition, adults with intellectual and developmental disabilities, learn about citizenship, participate in leadership training and fundraising activities.

Adult Continuing Education

Through comprehensive life skills training and a variety of academic and recreational classes, The ARC provides the skills and knowledge needed to move adults toward the goal of self-sufficiency, and ultimately independent living. This year-round program offers a variety of classes, from money management and computers to crafts and photography.

Information & Referral

When questions arise concerning area services, guardianship, legal and health care, and other available programs, The ARC is here to help. Thousands of people depend on The ARC each year to provide referrals, mail printed materials, or to provide other pertinent information.

Individual Advocacy

The ARC assists individuals with intellectual and developmental disabilities in moving from one phase of life to another. This may encompass employment issues, transitioning from home to independent living, transportation, community resources, or simply providing guidance with daily challenges. This program focuses on the needs of the individual.

Systems Advocacy

The ARC coordinates with area school districts, transportation providers, Social Security, legislatures, police departments and others to help shape policies and attitudes that impact the lives of people with intellectual and developmental disabilities. Advocacy efforts can be considered effective when these planning bodies take into consideration the needs and interests of people with intellectual and developmental disabilities and move toward responding to them.

The ARC's Top Referral Requests

The ARC of Texas
Denise Brady, Government Affairs
1600 W. 38th Street, Suite 200
Austin, Texas 78731
(512) 454-6694 Ext. 103
(800) 252-9729

ARC Resources Available in Print (English, Spanish, and Vietnamese)

Area Referral Lists - service providers for people with developmental disabilities including: Camps and Recreational Opportunities, Counselors, Day Care (Adult & Child), Dentists, Early Childhood Intervention Programs, Estate Planning, Family Practitioners, Genetic Specialists, Neurologists

(pediatric), Pediatricians, Physical Therapists, Preschools, Psychiatrists, Psychologists, Residential Facilities, Respite Care, Sheltered Workshops, Speech Therapists, Trusts, Vocational Training.

What a Good Idea! - The Manual for Parents and Students About Special Education Services in Texas, \$10, Eng. and Spa.

Resource Directory - Community Organizations, Professional Services, Health Care Listings, and more for Dallas County, \$5 / 7.50. English only

Developmental Checklist - A parent's guide to the progressive development of children ages birth to 4 years, free, Eng. and Spa.

Preparing for an Effective ARD - A resource for parents to help make the most of ARD meetings, includes advice on documentation, free. Eng. and Spa.

Guardianship & Estate Planning Packet - A packet of general information covering the issues of and resources for guardianship planning, free, English

Partners for a Lifetime - An overview of The Arc's role in the lives of people with developmental disabilities, free, Eng., Span., Viet.

Programs and Services - An overview of the current Programs and Services offered by The Arc to people of all ages, free, Eng., Span., Viet.

All Kids Can! Curriculum - A fully integrated curriculum for general education and gifted classrooms to teach disabilities awareness and sensitivity, creates partnership between students with disabilities, elementary and high school projects, service org. projects, too, English only, free to Dallas area, \$20 outside.

The following is a publication from ARC-US (Association for Retarded Citizens of the United States) that is a plain English resource guide regarding wills, trusts, guardianships, etc. The development of this publication was partially supported by a grant from One to One.

A Family Handbook on Future Planning

By Richard Berkobien

Cost: \$10.00

Association for Retarded Citizens (ARC) of the United States

Department of Research and Program Services

* You may request a 3 page summary by Rick Berkobien for an overview.

ARC-US

Association for Retarded Citizens of the United States

1010 Wayne Avenue, Suite 650

Silver Spring, Maryland 20910

301-565-3842

ADULT MENTAL HEALTH SERVICES

Local Contact Information for Department for Aging and Disability ServicesADS:

801 South Highway 161
Grand Prairie, Tx 75050
1.800.548.1873

Mental illness, which are medical illnesses with psychological or psychiatric symptoms, affect a large portion of the population of the United States and the World. While mental illnesses are often misunderstood, these illnesses are treatable, and like other illnesses, such as diabetes, treatment can enable individuals to lead productive and satisfying lives.

Who Is Eligible for Services?

Individuals who have:

- Major Depression
- Bipolar Disorders
- Schizophrenia
- And other serious mental illness

What Services Are Offered?

- Psychiatric Services
- Medication Related Services
- Counseling Services
- 24 Hour Crisis Services
- Hospitalization

Who Provides These Services?

- Psychiatrists
- Nurses
- Licensed Counselors
- Social Workers

What Do These Services Cost?

The cost of services and medications are based on an individual's ability to pay. In order to determine what costs, if any, an individual must pay, income information will have to be furnished. Cost may range from 100% co-pay to 0% co-pay.

How Do We Access Services?

Call one of the numbers listed below. Ask for the Intake Worker and an appointment will be scheduled.

Psychosocial Rehabilitation Services

Who is Eligible for Services?

Individuals with a Mental Health diagnosis who qualifies as part of the priority population. The main focus is to empower the individual to independence.

What Services Are Offered?

- Skills Training in: Work Behavior; Symptoms Management; Community Daily Living; Socialization; (all skills training provided in a natural environment)

DISABILITY RIGHTS, INC

www.disabilityrightstx.org/

Disability Rights, Inc.

7800 Shoal Creek Blvd. #171-E

Austin, TX 78757-1024

(512) 454-4816(Voice); (512) 323-0902(Fax); (866) 362-2851(Video Phone)

Statewide Intake for New Callers (800) 252-9108

Toll-Free Line for Current Clients (800) 315-3876

Voter Rights Hotline (888) 796-VOTE (8683)

This agency may provide valuable resource information. They are available to answer questions and assist parents and persons with disabilities.

Publications available from Advocacy, Inc. (not all inclusive):

- How to make a complaint about residential MR services
- Guardianship for Texans with disabilities (detailed 47 pages)
- Legal rights guaranteed by Texas Persons with MR Act
- Sterilization of persons with intellectual and developmental disabilities
- In-home and Family Support Services
- Client Assistance Program in Texas
- Appropriate evaluation under IDEA
- Legally adequate consent
- Filing a complaint with TEA
- and many more....

Services for SSI and SDDI recipients; Vocational and employment services; protection for persons with developmental disabilities; access rehabilitation services

STEP-BY-STEP LETTER

Developmental Disabilities Packet

Services provided by DADS – (Department of Aging and Disability Services)

The intent of this “letter” is to remove guesswork – what action steps need to be taken now.... and in the future... to assure a successful exit from high school.

In most cases, the activities are divided into 2 groups – prior to age 18 and after age 18, since the student reaches “age of majority” (adult status) at age 18. The other major issue at age 18 is the change of “financial status”. At this age, with or without guardianship, the family income will no longer be considered in determining whether or not a student may receive funds to pay for services.

Prior to age 18, even if a student is eligible to receive services based on the disability – denial of services can and is based on family income! However, if a family is willing to pay in full or make a percentage contribution to the cost of services, the student may receive the desired assistance prior to age 18.

This is a long term activity, including wait lists that may exceed 8 years!

Per the meeting today, the following suggestions may be helpful in putting together a plan of action in securing the services you may want in the future. If you have already completed a step, just skip down to the next number.

Contact information for your local service provider, [Department for Aging and Disability Services \(DADS\)](#), is included in this packet. The family is responsible for selecting appropriate services. Our state agency and local provider ([Department for Aging and Disability Services \(DADS\)](#)) is responsible for professional case management and service planning identified in this packet, but the request for services must come from YOU! Texas is a consumer driven service delivery system.... So if you don't know what to ask for, you may be asked to reschedule your planning meeting and come back when you identify what you want!

This will require that you become an educated consumer. Suggestions are included throughout this packet regarding some things you need to discuss, but it is by no means all-inclusive!

Use the contact person on campus to review resource guides available, or go on-line and download or order these materials to help you identify the options you may want to consider. Talking with other parents in the district can also be a valuable resource for services information.

After becoming familiar with the possibilities to discuss, you are ready to start. Some research of service may be on-going and take years, such as selecting an appropriate residential opportunity for alternative living from the family home.

___ 1. CONTACT THE DADS AGENCY FOR AN INTAKE APPOINTMENT. The student must be determined eligible for any service to be provided, now or in the future. This part of the process may take several weeks/months depending on the county in which you live. Specific data/information is gathered on each referral and will be used in planning meetings to assist with deciding what services may be necessary to achieve the goals you will be identifying.

To speed the process along, you can bring copies of the schools previous testing, IEP modifications and related services. In addition, any doctors records and documentation of current therapy or services received outside of school can be helpful in determining your child's eligibility at the intake appointment.

___ 2. AFTER ELIGIBILITY IS DETERMINED SCHEDULE A PLANNING MEETING. The Agency will be assigning a service coordinator/case manager to review the various programs available in your area - we

have given you a copy today of some possibilities. The major areas of concern usually fall under the categories of work/training or independent living/residential.

- Timelines for items 1 and 2 can begin NOW. The planning meeting in #2 needs to focus on long term goals - 10 years, 15 years, etc.
- If wait lists are identified, and you even remotely believe you may need the service in the future - GET ON THE LIST NOW. You can always decline a service later if you change your mind or are not ready.
- VISIT PROGRAMS. You will never accept a service or program sight unseen! So, what better time to see first hand what is available than now. You will be able to ask questions of staff, see the physical facility, and study the location and logistics from your home, etc.

When your planning meeting is completed, you may want to contact your local school transition specialist to participate in scheduled program visits that take place throughout the year.

___ 3. PRIOR TO AGE 18. We are providing you today with materials that address some major life issues at age 18 for the student. These include guardianship, wills, special needs trust, voter registration and for the male students registration with selective service. In addition, if a student has not been receiving SSI benefits, including Medicaid, application for these programs can be reviewed.

- A. WILLS. Each individual is encouraged to have a will that designates heirs to money, property, etc. It is bad news in Texas to die without a will since our probate system is somewhat unpredictable. Wills can be completed at any time and we suggest you look into a will or living trust as soon as possible.
- B. SPECIAL NEEDS TRUST. This is the only trust that protects money, property, stocks, or other financial resources from being counted against a student as INCOME for the purposes of SSI/Medicaid Benefits. It is a legal arrangement regulated by state law in which one party holds assets for the benefit of another. This arrangement allows assets to exceed the SSI resource limits of \$2000 and protects funds for use in the future. A lawyer or financial advisor can help you set up the special needs trust. Names of two local attorneys are included in the Guardianship section of this packet on page 32.

___ 4. AT AGE 18.

- A. VOTER REGISTRATION. All citizens have the right to register and to vote. Cards for this purpose will be provided. This is a choice not a requirement and can be turned in just prior to the 18th birthday.
- B. SELECTIVE SERVICE REGISTRATION. This is a requirement for all MALES. It is to be completed from 30 days before age 18 up to 30 days after age 18. Cards are available at the post office or you can register on the internet at www.sss.gov. We do not have a military draft, but this registration requirement is federal law. Proof is required until the 26th birthday and is necessary to continue to receive most federal financial benefits.
- C. GUARDIANSHIP. Be aware that, no matter the disability, once a person turns 18, they are their own legal guardian unless a court has ordered otherwise. We provided you with background and contact information today. PLEASE READ VERY CAREFULLY AND START YOUR GUARDIANSHIP PROCESS 4 TO 6 MONTHS BEFORE THE STUDENT TURNS 18. It is necessary if a parent wishes to continue to maintain legal co-signature rights to provide help to the student in matters that require legal consent. *Guardianship is a customized document and will be different for each individuals' needs. Guardianship of the person and guardianship of the estate will be determined in the process, major areas of concern are: financial, medical and the ability to enter into contracts for goods and services.*

___ 5. SSI/MEDICAID BENEFITS. Some students already receive these financial/medical services and will continue to do so after graduation. However, in many cases prior to age 18, the amount of a family's income will disqualify a student from these benefits, but at age 18 application can occur since the parents income will no longer be considered. This needs to start about 1 week prior to age 18. Included in your packet today is information about SSI/Medicaid and other support services through this program.

In all cases regarding the various services discussed in today's transition planning meeting, YOUR SERVICE PLANNER/CASE MANAGER WITH THE DADS AGENCY SHOULD BE ABLE TO TALK YOU THROUGH THE STEP BY STEP PROCESS, AND IDENTIFY RESOURCES IN YOUR AREA.

LOCAL, AREA, STATE RESOURCES

**Assistance with work training and independent living –
call or write for free materials regarding specific services offered.**

The following agency resources may be included in your planning:

CDC – Citizens Development Center
8800 Ambassador Row
Dallas, TX 75247-4621
214.637.2911

Children’s Health Insurance Program (CHIP)
1-800-647-6558

Children’s Medical Center of Dallas
1935 Motor St.
Dallas, Tx 75235
(24 hr) 214.456.2000, Social Work 214.456.2300 Physician referral for pediatric healthcare, birth to 18.

Dallas Brain Injury Assoc. Inc.
1110 Browder St.
Dallas 75215
214.426.4444 Info & referral to assistance programs, network of community resources

DCDD – Dallas Center for the Developmentally Disabled
8550 Cadenza Lane
Dallas, TX 75228-4999
214.328.4309

Family Health Information and Referral
1-800-422-2956
To help find providers for child health clinics, CHIP (Children’s Health Insurance Program), dental health services, immunizations

Federal Information Center
P.O. Box 600;
Cumberland, Maryland 21501
800.688.9889 Information about federal programs & services

JAN – Job Accommodation Network (National U.S. Office)
West Virginia University
918 Chestnut Ridge Road, Suite 1 - P.O. Box 6080
Morgantown, WV 26506-6080
1-800-526-7234

J-Mar Incontinence Supply
P0 Box 1384
Wolfforth TX 79382
1-806-866-4010 (provides diapers to children on Medicaid)

Legal Services for Persons with Disabilities
1-866-758-8888; or 1-800-880-0821

National Alliance for the Mentally Ill (NAMI)

2639 Walnut Hill Ln., Suite 232;
Dallas 75229
214.350.7196 Free family education & support groups

P.A.L.S. – see Henderson Foodbank

Scottish Rite Hospital for Children
2222 Welborn
Dallas, TX 75219
1-800-421-1121 or 214-559-7559 or 214-559-5000
(orthopedic services for children to 18th birthday, dyslexia testing for children 5-14)

Shriners Hospital for Children
3100 Samford Ave.
Shreveport, LA 71103
800-237-5055 Orthopedic medical services for children under the age of 18

Speech and Hearing Services
Stephen F. Austin St. University Clinic
SFA Station, Box 13019
Nacogdoches, TX 73962
936-468-2906

Terrell State Hospital

P.O. Box 70;
Terrell; TX 75160
972.563-6452 (24hr) 972.563.6452 In-patient mental health services for Dallas & 21 counties.

Texas Agencies:

Texas Department of Aging and Disability Services (DADS) www.dads.state.tx.us
909 W. 45th Street
P.O. Box 12668 Austin, TX 78711-2668 Phone: 512-454-3761
Texas Department of Family and Protective Services www.dfps.state.tx.us
Texas Education Agency www.tea.state.tx.us
Texas Information and Referral Network www.hhs.state.tx.us/tirn/tirnhome.shtml
*Texas Online - State of Texas website www.state.tx.us

Ability Connection Texas (formerly United Cerebral Palsy of Texas)
Applicant Contact: Rachel Hopkins
8802 Harry Hines Blvd Dallas, TX 75235 Phone : 214-247-4543

RECREATION / LEISURE

Camp Fire Boys and Girls – Camp El Tesoro (near Granbury, TX)
228 acre site on the Cordova Bend of the Brazos River
Camp sessions: end of May through August
For information call: 817.831.2111

Camp Summit, Inc.

2915 LBJ Frwy, Suite 185;

Dallas , Tx 75234

(24 hr) 214.484.8900

Camp for physically challenged, developmentally delayed, deaf/blind & multi-disabled 6- adult

Camp Tenaha

P0 Box 1515

Carthage, TX 75633 Phone: 936-248-2322 (camp for children with special needs)

SEEK (Summer Events for Exceptional Kampers) near Lake Texoma

3 sessions each summer (ages 9-14, 15-21, 21 and over)

Sponsored by Methodist Church, but is nondenominational; Fees are charged

For information call: 214.357.5656

Windridge Therapeutic Equestrian Center of East Texas

P 0 Box 5932

Longview, TX 75608 Phone: 903-797-2414

Windridge Therapeutic Equestrian Center Of East Texas

Gilmer, TX 75645 Phone: 903-797-2414

Therapeutic programs for children and adults with mental, emotional or physical disabilities