

### III. HISTORY AND MAJOR EVENTS

**Provide a timeline of your agency's history and key events, including:**

**the date your agency was established;**

**the original purpose and responsibilities of your agency;**

**major changes in responsibilities or statutory authority;**

**changes to your policymaking body's name or composition;**

**significant changes in state/federal legislation, mandates, or funding;**

**significant state/federal litigation that specifically affects your agency's operations; and**

**key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).**

#### **Historical Perspective**

The Legislature established the Department of Aging and Disability Services (DADS) by consolidating long-term services and supports programs with intellectual disabilities programs and programs and services pertaining to aging from the Older Americans Act.

The following history contains major events related to the programs delivered by DADS today, and it includes organizational changes that led up to its creation. Events relating to the establishment of today's Health and Human Services System are highlighted in bold.

1917 The first state residential facility for individuals with intellectual disabilities is established. It was renamed Austin State School in 1925.

1919 The Legislature establishes the Texas Board of Control, consolidating the functions of 21 state agencies and charging and placing under its purview, the Old Age Assistance Commission, the Texas Relief Commission, and the Child Welfare Division.

1939 The Legislature creates the State Department of Public Welfare.

1949 The Board for Texas State Hospitals and Special Schools is established by the 51<sup>st</sup> Legislature to govern the State Hospitals and State Schools formerly under the jurisdiction of the Board of Control.

1957 The Legislature establishes a Committee on Aging to study and develop policies regarding the health, housing, financial, and recreational needs of older people.

1965 The Legislature establishes TDMHMR, replacing the former Board for Texas State Hospitals and Special Schools.

- 1965 State statute governing rights, care, and treatment for persons with intellectual disabilities is established.
- 1965 Congress enacts the Older Americans Act, which creates the federal Administration on Aging and provides federal funding for aging services separate from other social welfare services. The Texas Senate establishes the Governor's Committee on Aging to administer federal funds made available through the Act.
- 1974 As a result of the *Lelsz v. Kavanagh* class action lawsuit, TDMHMR increases its focus on finding community placements for individuals with intellectual disabilities, thus beginning a trend towards reducing the number of residents from its peak of 12,000 residents.
- 1977 The Legislature changes the name of the State Department of Public Welfare to The Department of Human Resources.
- 1980 Attendant services are implemented in Texas; this program is now known as Primary Home Care.
- 1981 The Governor's Committee on Aging is established as a state agency and renamed the Texas Department on Aging.
- 1983 State legislation establishes the Long-Term Care Coordinating Council and makes the Texas Department on Aging the lead agency.
- 1984 The Medically Dependent Children Program waiver is approved by the Centers for Medicare & Medicaid Services.
- 1985 The Department of Human Resources is renamed as The Department of Human Services.
- 1985 The Home and Community-based Services waiver for individuals with developmental disabilities is implemented.
- 1987 The Legislature adds a penalty provision to the Human Resources Code for failure to report abuse, neglect, or exploitation of older people or people with a disability
- 1989 The In-Home and Family Support Program is established.
- 1989 The Options for Independent Living program is established by the Legislature, directing the Texas Department on Aging to establish a statewide program help older persons remain at home despite limited self-care capacities and to prevent institutionalization by providing case management services through Area Agencies on Aging.

- 1990 The Community Living and Assistance Support Services waiver is created to serve persons with related conditions.
- 1991 The Legislature abolishes the Health and Human Services Coordinating Council and creates the Texas Health and Human Services Commission, to oversee the state's major health and human services agencies: Texas Department on Aging, Commission on Alcohol and Drug Abuse, Commission for the Blind, Commission for the Deaf and Hearing Impaired, Interagency Council on Early Childhood Intervention, Department of Health, Department of Human Services, Juvenile Probation Commission, TDMHMR, Department of Protective and Regulatory Services, and the Rehabilitation Commission.**
- 1991 The Frail Elderly 1929(b) attendant program is implemented in Texas to allow individuals with income up to 300 percent of Supplemental Security Income to receive services. Texas is the only state in the country to have this program, which is now known as Community Attendant Services.
- 1994 The state implements the Community Based Alternatives , 1915(c) Medicaid waiver, as a community-based alternative to nursing facility placements.
- 1995 The Deaf Blind with Multiple Disabilities waiver program is approved by the Centers for Medicare & Medicaid Services.
- 1997 Senate Bill 190, Texas' nursing facility reform act, is implemented.
- 1997 The Legislature directs a pilot of consumer directed services.
- 1997 Legislation abolishes the Texas Board of Nursing Facility Administrators and transfers the functions, property, and unexpended funds of the board from the Texas Department of Health to the Texas Department of Human Services.
- 1999 Assisted living facilities, formerly called personal care facilities, begin to be licensed in Texas. The Long-term Care Ombudsman program begin including assisted living facilities in its scope of service.
- 1999 Ft. Worth State School and Travis State School (Austin) are closed as part of the state's response to the 1991 settlement to *Lelsz v. Kavanagh*.
- 1999 Legislation expands Consumer Directed Services to Medicaid programs and establishes the Consumer Direction Workgroup.
- 1999 In June 1999, United States Supreme Court's *Olmstead v. L.C.* decision directs that individuals must be allowed to live in the most integrated setting in order to receive

their long-term services and supports as long as they meet certain qualifications. This seminal decision is the impetus for Texas Promoting Independence Initiative.

- 2001 The Money Follows the Person public policy is established. Under this policy, nursing facility residents can move into a Medicaid 1915(c) waiver program without having to wait on the interest list.
- 2001 The Legislature creates the Quality Monitoring Program and Joint Training and codifies the Promoting Independence initiative.
- 2001 Texas begins adding the Consumer Directed Services option for residential habilitation and respite to the Community Living Assistance and Support Services and Deaf-Blind with Multiple Disabilities waivers.
- 2002 Texas adds the Consumer Directed Services option to Primary Home Care, Community Attendant Services, and Family Care attendant services.
- 2003 Texas adds the Consumer Directed Services option for personal assistance services and respite to Community Based Alternatives.
- 2003 As part of House Bill 2292, the Legislature creates DADS through the consolidation of numerous programs and services from the predecessor agencies: community- and facility-based services for individuals with intellectual disabilities of TDMHMR, community long-term services and supports and nursing facility services of the Texas Department of Human Services, and services and programs of the Texas Department on Aging, including the responsibilities and requirements associated with the Older Americans Act.**
- 2004 DADS begins operations on September 1, 2004. Under the oversight of HHSC, DADS provides a comprehensive array of aging and disability services in local communities.**
- 2004 The Texas Home Living waiver is approved by the Centers for Medicare & Medicaid Services.
- 2004 HHSC and DADS settle the *McCarthy vs. Hawkins* lawsuit. The settlement results in an informal assessment provided to all individuals requesting services through Home and Community-based Services and/or Community Living Assistance and Support Services. This settlement also includes a commitment over the next three biennial legislative sessions for HHSC to include in its Legislative Appropriations Request sufficient funding to achieve a five percent to ten percent reduction in the number of persons listed on the Home and Community-based Services and Community Living Assistance and Support Services waiver interest lists each year.

- 2004 DADS and DFPS, through a Memorandum of Understanding, transfer the Guardianship Services Program to DADS from DFPS.
- 2005 Legislation transfers statutory authority for the Guardianship Services Program to DADS from DFPS.
- 2005 The Legislature appropriates additional resources for long-term services and supports, making it possible to reduce the number of people on the interest lists across all waiver programs. Funding of \$340.1 million in all funds is to serve an estimated 9,360 additional persons by the end of the 2006-07 biennium.
- 2005 HHSC and DADS settle the *Alberto N. vs. Hawkins* lawsuit that affects Texas Health Steps, Comprehensive Care Program-eligible children under 21 years of age. The terms of the settlement apply to Medicaid-funded nursing services, personal care services, and durable medical equipment and supplies.
- 2005 Governor Rick Perry issues Executive Order RP 42, 2005, formalizing the Aging Texas Well initiative. The order asks DADS to continue working to identify and discuss aging policy issues, guide state government readiness, and promote increased community preparedness for an aging Texas population.
- 2005 The Aging and Disability Resource Centers (ADRCs) initiative begins, with a federal grant award from the U.S. Administration on Aging and the Centers for Medicare & Medicaid Services. Three ADRCs are established in San Antonio, Fort Worth, and five counties in Central Texas.
- 2005 DADS implements the Medicaid Estate Recovery Program in compliance with federal Medicaid laws.
- 2005 The Legislature codifies the Money Follows the Person policy instead of depending on appropriations riders for the program's continuation.
- 2005 The U.S. Department of Justice notifies the State of Texas of intent to conduct an investigation of alleged civil rights violations at the Lubbock State School.
- 2006 DADS adds the Consumer Directed Services option for respite and flexible family support services provided by attendants to the Medically Dependent Children Program.
- 2006 Congress reauthorizes the Older Americans Act for a six-year reauthorization cycle. The 2006 reauthorization lowers the age of eligibility to age 55 for grandparents or older relative caregivers for a child who is not more than 18 years of age or who is an individual with a disability.

- 2006 U.S. Department of Justice issues a findings letter on the Lubbock State School investigation.
- 2007 The Centers for Medicare & Medicaid Services award DADS a Money Follows the Person Rebalancing Demonstration Grant to enable DADS to rebalance its long-term services and supports system so individuals receive more choices in determining where they live and the services they receive.
- 2008 DADS begins developing and implementing a quality-monitoring program to improve outcomes and services for individuals served in private and state-operated intermediate care facilities for individuals with an intellectual disability (ICFs/IID) and assisted living facilities.
- 2008 U.S. Department of Justice notifies the State of Texas of intent to conduct an investigation of alleged civil rights violations at the Denton State School and to investigate the other 11 state-operated facilities, including the ICF/IID component of the Rio Grande State Center operated by the Department of State Health Services. The State of Texas and Department of Justice enters into discussions to resolve all 13 investigations with a global settlement agreement.
- 2008 DADS expands services in several programs: adds the Consumer Directed Services option to the Texas Home Living program for all services and Home and Community-based Services for supported home living and respite; expands the Consumer Directed Services option to include nursing, physical therapy, occupational therapy, and speech/hearing therapy in the Community Based Alternatives program; expands the Consumer Directed Services option to include nursing, physical therapy, occupational therapy, and speech/hearing therapy in the Community Living Assistance and Support Services program; and adds respite and flexible family support services provided by a nurse to the Consumer Directed Services option or the Medically Dependent Children program.
- 2008 DADS establishes five additional ADRCs, expanding services to twenty-five additional counties. New service delivery standards further enhance the coordination efforts of DADS front doors (Area Agencies on Aging, Local Authorities, and DADS Regional and Local Services offices) as core partners in providing ADRC services.
- 2009 The Legislature appropriates \$150.0 million General Revenue and \$358.6 million All Funds for expansion of the Medicaid waiver and non-Medicaid community services programs, in anticipation of serving an additional 7,043 persons during the 2010-11 biennium.
- 2009 Consumer Directed Services is expanded to Community Attendant Services and Primary Home Care.

- 2009 The Legislature mandates that DADS transfer the case management function from Home and Community-based Services providers to local authorities. This transfer occurred June 1, 2010.
- 2009 The Legislature approves the state's settlement agreement with the Department of Justice.
- 2009 The Legislature appropriates \$1 million General Revenue to establish the Texas Lifespan Respite Care Program, increasing the availability of respite services to caregivers who are unable to procure these services through other avenues.
- 2009 DADS implements a pay-for-performance system for collecting data and analyzing and reporting of nursing facility performance for all nursing facilities in Texas during the second year of the biennium.
- 2009 Senate Bill 643 provides a framework for the protection and care of individuals with IDD served by public and private providers. State schools are renamed "State Supported Living Centers (SSLCs)." Major elements include fingerprint-based criminal history checks on SSLC employees and volunteers, random drug testing of SSLC employees, installation of video surveillance camera systems in SSLCs, creation of a mortality review process for persons with IDD receiving services from public and private providers, the application of a forensic designation to Mexia SSLC, establishment of an assistant commissioner position to oversee the SSLCs and the ICF/IID portion of the Rio Grande State Center, creation of an Office of Independent Ombudsman for SSLCs, expansion of regulatory oversight for providers of Home and Community-based Services, and expansion of training for persons providing services and supports.
- 2009 The Legislature directs DADS to strengthen informal caregiver support services by: raising public awareness about caregiving; implementing a caregiver status form into the existing Medicaid functional eligibility determination process; standardizing a caregiver assessment; and analyzing the data attained through the status and assessment forms.
- 2009 The Texas Autism Research and Resource Center is created.
- 2010 Texas meets all of its original Money Follows the Person Demonstration enrollment benchmarks and almost doubles the amount of the original grant award; passage of the Affordable Care Act extends the MFP Demonstration to 2016 and increases federal appropriation for the program by an additional \$2 billion; Texas receives an additional \$6.5 million at 100 percent administrative claims match for full-time contract positions and other administrative expenses to enhance the Money Follows the Person Demonstration effectiveness.
- 2010 DADS establishes an additional aging and disability resource center serving six counties.

- 2010 Settlement Agreement Independent Monitors complete baseline reviews of all State Supported Living Centers and the Rio Grande State Center.
- 2010 Through a reorganization, DADS eliminates the Provider Services Division and moves its functions to various areas within the agency, including the Access and Intake division, Regulatory Services division, State Supported Living Centers division, and the Center for Policy and Innovation.
- 2011 Electronic Visit Verification, a telephone- and computer-based system for verification of service delivery, is launched.
- 2011 The Texas Lifespan Respite Care Program expanded respite services to three additional communities: Corpus Christi, Houston, and San Antonio.
- 2011 DADS establishes three additional aging and disability resource centers, serving eighteen counties.
- 2012 Federal law establishes the Balancing Incentive Program, which increases the Federal Matching Assistance Percentage to participating states through September 2015 in exchange for states making certain structural reforms to increase access to Medicaid community-based long-term services and supports. Texas' application for the program is approved on September 4, 2012.
- 2012 DADS establishes two additional aging and disability resource centers serving fifteen counties.
- 2013 The Balanced Budget and Emergency Deficit Control Act of 1985, as Amended (3/1/13), results in more than a \$5.5 million decrease in funding to Texas Area Agencies on Aging for federal fiscal year 2013 under sequestration as discretionary, non-defense funding.
- 2013 Senate Bill 7 includes provisions related but not limited to: implementing an acute care and long-term services and supports system for individuals with intellectual and developmental disabilities (IDD) that serves more people in a cost-efficient manner; implementing one or more private provider IDD pilots to test managed care strategies based on capitation; implementing basic attendant and habilitation services for individuals with disabilities in STAR+PLUS; transitioning the provision of some or all of the IDD waivers into STAR+PLUS; and transitioning nursing facility benefits into STAR+PLUS. Additionally, the bill requires that STAR+PLUS be expanded to all areas of the state.
- 2013 The Legislature creates a new license type, called prescribed pediatric extended care centers. These facilities will provide up to 12 hours of care per day to medically fragile children up to age 21, and DADS estimates that Texas could see between 40-60 of these facilities seek licensure in the coming years.

- 2013 The electronic visit verification initiative is being augmented with a compliance plan. The Compliance Plan requires providers subject to electronic visit verification requirements to achieve 90 percent usage of the system to document time worked by personal attendants. Providers failing to comply may be assessed liquidated damages under updated contracts issued through an ongoing mandatory contract re-enrollment process.
- 2013 The formal rulemaking process is being launched to modernize and upgrade Texas Administrative Rules in Title 40, Chapter 49, the rule governing contracting with DADS to provide community care services. This rule project will also promote uniformity in DADS contract rules and contract management by bringing the Home and Community-based Services and Texas Home Living waivers under Chapter 49 for the first time.