

# The Coalition of Texans with Disabilities

## Report on the 82<sup>nd</sup> Legislature

**\$27 BILLION**

**BUDGET SHORT FALL**

**H.B. 1**

Direct ACCESS to  
Physical Therapy

**S.B. 1**

SPECIALIZED THERAPIES

**STAR+PLUS expansion to the Valley**

*ADA, Amber Alert*

**Rallies @  
the Capitol**

*Church Exemptions from the Texas Architectural Barriers Act*

**MEDICAID WAIVERS**

*Medicaid IOU*

**Rainy Day Fund**

Abolishing the Texas  
ARCHITECTURAL BARRIERS Act

**Personal Care Attendant Wage Cut**

Accessible PARKING

**CBA**

outpatient  
competency  
restoration

*A.R.T.*

**Voter ID**

*Advocatzs*

*Round*

**PARAtransit**

*Table*

**Texans with Disabilities SPEAK OUT**

### CTD at the 2011 Texas Legislature: Successful? No. Valuable? Yes.

“2011 will undoubtedly prove to be one of the most successful legislative sessions in Texas history,” says a report just released in Austin. It’s just one of several we’ve seen claiming great things in the Capitol. As advocates for Texans with disabilities, CTD is not claiming a successful session. CTD is not taking a victory lap. We respect our members and supporters and our intent with this CTD Legislative Report is to speak the truth without inflated claims. In January, CTD goals included more cost-effective community services, higher pay for community attendants, reducing the number of expensive state supported living centers (SSLCs) and recapturing the civil rights promised by the ADA. Well, those low wages haven’t changed, there are

still 13 SSLCs, the ADA fight (very tough in Texas) got some movement but no passage. We’ll talk more about a couple of nice victories in community services, but for the most part, community services did not gain or lose ground. Saying that we had a successful session isn’t entirely realistic. However, did CTD work hard to bring a significant value to members and supporters by creating new collaborations, energizing many people to take action, passing good bills, killing bad ideas, improving the budget, protecting critical items?

**Absolutely!** Keep reading our quick and easy report to learn more...

# State Budget 2012-13: Funding for Disability Services

CTD members identified funding for disability services as the **top priority** in the Legislature. What we know:

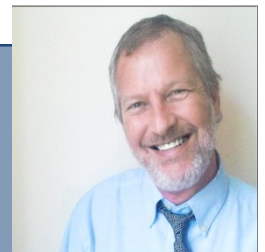
- 📌 Texas is a growing state with an a growing need for essential services
- 📌 There is a \$27 billion shortfall between projected state revenues and the cost of maintaining current services
- 📌 State leaders vowed to approve a budget by a “cuts only” approach; a method that would reduce service to what money was available rather than increasing revenue or tapping into the savings account known as the Rainy Day Fund.
- 📌 Far from being a high-services state, Texas currently ranks 49<sup>th</sup> in community services for people with disabilities.

The first version of the budget would have left Health & Human Services, which includes most disability services, \$16 billion short of maintaining current services.

One year ago, CTD’s **advocates focused on this coming disaster** by teaming up with ADAPT to co-convene the first **Advocates Round Table**, a collaboration of aging and disability advocacy groups which combined their efforts as leverage and focused solely on funding for services. From that point, CTD and our partners **organized more rallies and engaged more people** than ever before to make their voices heard. As the budget crisis drew more media coverage, CTD became arguably the disability group first sought out for media quotes and comments. Check out the report boxes over the next pages for highlights of outreach/collaborations, rallies, consumer communications, media and partners.

Bottom line is the **final budget is bad**, will reduce services and does not factor in more people with more needs. As gloomy as that is, the **disaster was averted and billions were put back** in. Politicians are claiming otherwise, but most of the **Rainy Day Fund** has been spent or committed. This leads us to a unique situation that we are calling the **Medicaid IOU**.

Although the Legislature has slashed the budget, they have still instructed state agencies to serve the same number of people. This will make the money run out before the end of the budget period, leaving a \$4.8 billion hole, or IOU, to be paid by the 2013 Legislature. We are OK with this solution. Why? Because the alternative would completely cut off services to many people and hugely reduce services to others. It’s a dicey situation, which merits our close attention and monitoring.



Only one protest to Nelson’s bill was aired before the Medicaid subcommittee. (CTD’s) **Dennis Borel** warned that a proposal affecting elderly and disabled people under the Community Based Alternatives program **would pay attendants a lower wage**. “That’s troubling because lower wages leads to lower reliability, which could put more people into expensive institutions,” he said.  
--Robert Garrett, Capitol Reporter  
Dallas Morning News Trail Blazers blog, 04-13-11



## CTD Legislative Timeline

04-16-10 The Advocates Round Table (ART) is created, bringing disability & aging groups together under a common name & message

No one group worked alone on any state budget issue, so it is difficult for any group to own an outcome. Yet, we can say that CTD was the key advocate leader for the following outcomes:

- ✔ Putting **\$33 million back in the pockets of attendants** by **reversing the CBA wage cut**
- ✔ Restoration of **\$28 million of DARS funding** for comprehensive rehab services, vocational rehab, the blind children's program, kids with autism and centers for independent living by direct advocacy to the Governor
- ✔ with the Hogg Foundation for Mental Health, **\$8 million** for the expansion of the pilot **Outpatient Competency Restoration**, a community-based program for people with mental illness in the criminal justice system.

CTD was among the advocate leaders for

- ✔ **No one currently receiving Medicaid services being completely cut** (see Medicaid IOU above)
- ✔ Significant, though not full, **restoration of specialized therapies** in Medicaid waivers
- ✔ **\$21 million increase in Promoting Independence community services slots**



1,000 Advocates in front of the Capitol at the March for Independence, 03-01-11

*"CTD, ADAPT and Community NOW!, Kudos on a terrific rally; finely crafted, inspiring and a life changing experience. Individuals will become more active in their efforts and inspire others in their communities to become more involved."*

--Jaime Duran, Texas Advanced Leadership and Advocacy Conference Coordinator, 03-02-11

*"In 2011, fighting for funding for community services dominated our efforts. The staggering budget shortfall, the ongoing recession, the prevailing mindset of limited government and political ambitions combined to set the stage for gutting critical services. CTD and our partners worked hard and long to make the best of a very bad situation. There was precious little margin of error. To all who participated in a Capitol rally, supported an advocacy organization and called, emailed or visited a legislator; thank you because YOU made a difference."*

-- Dennis Borel, CTD Executive Director since 2000



## CTD Legislative Timeline

09-01-10 Invest In Community Rally 200+ Advocates

12-8-10 Faces of Medicaid Press Conference



# Independent Living Policy

For people with disabilities, true independent living is more than community-based services and supports. It actually includes all aspects of the community.

CTD worked closely with the friends of Tiffany, 31, a person with intellectual disabilities who went missing. The tragedy of Tiffany's subsequent death was magnified by her community's inability to activate the Amber Alert system, solely because Tiffany was not a child.

In addition to key budget support of DARS programs, CTD worked on bills related to housing, transportation, accessible parking and other issues on independent living.

In independent living, CTD was the key advocate leader

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- 👍 For HB1075, **expansion of the Amber Alert system to include adults with intellectual disabilities** (passed)
- 👍 For HB1021, to add businesses owned by individuals with disabilities to the state's **historically underutilized businesses** (HUB) program (not passed)
- 👍 For HB2651, which requires transit authorities to respond within two business days to travelers' request for **paratransit** approval (passed)
- 👍 For HB1473, a bill that prevents misuse of **accessible parking** by making an altered parking placard illegal (passed)

CTD was among the advocates

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- 👍 For HB1481, the **respectful language** bill, which replaces the hurtful "R" word in state practice with the term "intellectual disabilities" (passed).
- 👍 For SB37, extending the function of the **Promoting Independence Advisory Council** (PIAC) until 2017. As a legislatively-mandated body, the PIAC has influenced numerous public policy changes to benefit the independent living of people with disabilities. CTD's Dennis Borel is an appointee to the PIAC. (passed)
- 👍 For HB3616 to recognize October as **Texas Disability Awareness Month** (passed)
- 👎 Opposed HB3629 to **abolish DARS** (not passed)
- 👎 Opposed HB309 to allow **tax credits for assisted living and nursing homes** but not accessible, integrated housing (not passed)



*"CTD put out a **Call To Action** and Texans with disabilities and their families answered! Advocates turned out in record numbers to educate legislators through phone calls, emails, petitions, Capitol/office visits, and testify directly during hearings to legislators about each programs benefits/success and that they aren't just massages and pony rides. These are programs, which make a real difference in the lives of many Texans! Thank you to everyone who answered our call."*

--Chase Bearden, CTD Director of Advocacy and Community Organizing



## CTD Legislative Timeline

02-14-11 Invest In Community petition drive delivers 12,000+ signatures to Legislators

03-01-11 Rally For Independence 1,000+ Advocates


# Your Right to Accessibility/ Built Environment


Since the passage of the ADA many of us have enjoyed the luxury of access to sidewalks, buildings, and work; and we have benefitted greatly from accessibility being included during the design/planning stages, regulation of proper construction practices and enforcement to meet those set standards.

CTD worked to educate many legislators on not just the importance of basic accessibility, but the overall design that integrates accessibility to a point where all Texans can live, work, worship, and play in the community of their choice.


Each legislative session we find bills that would **weaken accessibility standards and threaten the participation of Texans with disabilities in all areas of their lives.**

In accessibility/built environment, CTD was the key advocate leader


 Opposed HB2658, to **abolish the Texas Accessibility Standards**, leaving Texans with disabilities no way to report accessibility issues other than filing a lawsuit under the ADA. (not passed)

 Opposed HB1859, would have **allowed churches NOT to meet the Texas Accessibility Standards** when renovating existing churches, any new construction, or any schools/business that a church may operate. The state estimated that 500 new construction projects would be built annually without having to meet the accessibility standards. (not passed)



 Opposed HB2142 & HB2543, if passed would have lead to the **deregulation of Interior Design.** Interior Designers play a crucial role in the safety, accessibility and usability of a space, and work in conjunction with architects, contractors, and the building owners to ensure the greatest amount of accessibility. In the regulation of Interior Designers they are required by law to learn about accessibility and to receive annual CEUs in accessibility. (not passed)



 For HB283, to ensure that all new **playgrounds** would be built to be accessible for not only kids but also parents and grandparents with disabilities who would like to take their kids. This bill was withdrawn by its author after discovering that the new Federal Accessibility standards being released later this year will insure that our playgrounds are accessible.



## CTD Legislative Timeline

03-14-11 Texas Families Unite Rally 300+ Advocates

03-22-11 Personal Attendant Coalition of Texas Rally

Thanks to our advocacy partners for supporting strong disability public policy!

ADAPT

Personal Attendant Coalition of Texas  
(PACT)

Community NOW!

Hogg Foundation for Mental Health

Down Syndrome Assn. of Central Texas

Center for Public Policy Priorities

Texas Parent 2 Parent

Disability Rights Texas

League of Women Voters

Texas Physical Therapy Association

Mary's House

Texas Center for Disability Studies

Center for Disability and Development at TX  
A&M

ARC of Texas/Texas Advocates

Blue Sky Abilities

State Independent Living Council (SILC)

Brain Injury Association of Texas

Texas Assn. for Home Care & Hospice

Texas Society of Architects

Accessibility Professionals Association

Texas Assn. for Interior Design

Texas Chapter – Paralyzed Veterans of  
America

American Council of the Blind of Texas

Texas Association of Centers for  
Independent Living (TACIL)

Texas Silver Haired Legislature

+ many individuals, small groups, Capitol  
aides and legislators!

Health care is changing. A common theme is that our public health programs are not sustainable, which simply means that public health is becoming too expensive to be affordable. Disability advocates need to be very alert to these discussions and look for opportunities, for example, to shift away from institutions to cost-effective community services. Other bills are changes to current practice.

Several high profile “statement” bills got attention, like seeking a Medicaid block grant or legislation opposing federal health care reform. Without federal approval, these bills can’t be implemented, but are useful to illuminate the political mood.

In health care policy, CTD was the key advocate leader



For expansion of Medicaid managed care to the Lower Rio Grande Valley which will take **over 7,000 individuals off the Community Based Alternatives waiting list** and provide them services (passed)



For better **access to physical therapists** (not passed)



Opposed HB3678, legislation that **would measure success** in the Medicaid prescription drug program **by use of generics rather than health outcomes** of beneficiaries (not passed)

CTD was among the advocates



For SB614, to establish a **state commission to oversee closure and consolidation of state supported living centers**, a bill in which CTD and others gave input and review. Not passed, we will advocate for this bill in 2013.



For SB41, **limit restraints in state supported living centers** (passed)



For change in **advanced directives law**, to require treatment pending transfer to another health care facility (study approved)



## CTD Legislative Timeline

04-01-11 Don't Wreck Texas Rally & Candlelight vigil

04-03-11 & 04-04-11 CTD & SILC joint advocacy conference 350+ Advocates

# Civil Rights

Texans with disabilities owe much to those who within the past 20 years advocated for the rights of people with disabilities, giving us the voice and basic rights we enjoy today. It wasn't long ago when it was legal to discriminate against a person based on their disability.

There were **dangerous bills that dealt with architectural barriers and accessibility** in 2001. This issue area became a major focus for CTD. **Check our separate page for a report on Accessibility and the Built Environment.**

CTD is a recognized leader in rights legislation on voting and the Americans with Disabilities Act (ADA). Disability advocates must remain cognizant to the fact that if we choose not to speak out about our basic civil rights then others will decide them for us!

## In civil rights policy, CTD was the key advocate leader

👍 For HB3562, to **waive the sovereign immunity of the state for its ADA violations**. Currently, the State of Texas claims sovereign immunity in ADA cases and has prevented persons claiming discrimination based on disability from having their day in court. This bill has been filed at CTD request for several years. Not passed in 2001, the bill had a committee hearing and we continue to make inroads.

👎 Opposed SB14, the **Voter ID bill**, based on the barrier it would create for some Texans with disabilities wishing to vote. CTD was asked to provide invited testimony to the Senate as a whole in opposition to the bill. Voters with disabilities were among the most affected groups in the filed bill, required to obtain and purchase photo ID. After CTD's testimony the author of the bill **accepted an amendment drafted by CTD** that would allow a person with a disability to claim an exemption from the new requirements. (Passed)

## CTD was among the advocate leaders in voting rights

👎 Opposed HB 2563 and similar bills **to exempt certain elections from meeting the requirements of providing physical access to accessible electronic voting machines**, including non-visual accessibility for the blind and visually impaired, that provides the same opportunity for access to cast an independent private ballot. (Not passed)

*"While Voter ID was a big issue that could disenfranchise Texas voters with disabilities, CTD also did work regarding accessible polling locations, a private ballot, & voter assistance. What may be an inconvenience to some may be an impossibility to others."*  
—Bryson Smith



Chase Bearden, Jessica Gomez of Disability Rights Texas, Ann McGeehan of the Secretary of State's Office and Bryson McCall Smith of CTD

*It's a controversial and politically charged legislation. Chase Bearden with the Coalition of Texans with Disabilities says [of the Voter ID bill]. "By removing or putting a barrier in the way, we're taking steps backwards instead of encouraging people to vote."*  
—Your News Now, 01-25-11



## CTD Legislative Timeline

04-05-11 CTD Capitol & Lobby Day for conference advocates

04-06-11 TX Forward Rally (SOS) Save Our State



# YOU at the Texas State Capitol



Sofia and dad Gerard Jimenez at Last Supper for Human Services Rally

## Why YOU should engage in public policy

This 2011 Legislative Report has a strong message: It's never over! Now is not the time to take a break, rather organize your community, visit your state legislators in their home office and make sure you are registered and vote in the next elections. "Get into politics as if your life depends on it, because it does," said Justin Dart, Texas advocate known as the father of the ADA .

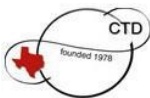


The O'Bryan family meets with Senate Finance Chairman Steve Ogden



Rep. Lon Burnam listens to CTD members

## Coalition of Texans with Disabilities: Pledge to You



CTD commits to advocate with integrity, intelligence, energy and honesty in the best interests of people with disabilities, families, caregivers and communities. CTD promises to never forget nor compromise in any way from our mission: to ensure that people with disabilities may live, learn, work, play and participate fully in their community of choice.



Multiple copies of petitions signed by 12,000 Texans were delivered to the Appropriations Committee

Coalition of Texans with Disabilities

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## CTD Legislative Timeline

04-11-11 Lemons to Lemonades Campaign "A Recipe to Fix Our Budget"

04-20-11 The Last Supper for Human Services

