

SUBJECT: Establishing a competitive and integrated employment initiative

COMMITTEE: Human Services — favorable, without amendment

VOTE: 7 ayes — Frank, Hinojosa, Hull, Klick, Meza, Noble, Shaheen
0 nays
2 absent — Neave, Rose

SENATE VOTE: On final passage, April 26 — 30-1 (Hughes)

WITNESSES: For — (*Registered, but did not testify:* Dennis Borel, Coalition of Texans with Disabilities; Jeff Miller, Disability Rights Texas; Jackie Hardee, Indivisible Rosedale Huddle and Indivisible Tex Lege; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Lee Johnson, Texas Council of Community Centers; Ginger Mayeaux, The Arc of Texas; Molly Weiner, United Ways of Texas; and six individuals)

Against — None

On — Lauren Gerken, Texas Council For Developmental Disabilities; (*Registered, but did not testify:* Cheryl Fuller, Texas Workforce Commission)

BACKGROUND: Government Code sec. 531.02447 governs Texas' employment-first policy that earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working-age individuals with disabilities who receive public benefits. It requires the Health and Human Services Commission, the Texas Education Agency, and the Texas Workforce Commission to jointly adopt and implement such policy in accordance with certain requirements.

Concerns have been raised that a small percentage of Medicaid waiver recipients with disabilities receive available employment services provided through required employment-first policies promoting

competitive, integrated employment for such Texans. Some have suggested increasing this percentage by assessing the goals of and employment opportunities available to such individuals.

DIGEST: SB 50 would establish a competitive and integrated employment initiative for individuals receiving Medicaid services under:

- the home and community-based services waiver program;
- the Texas home living waiver program;
- the deaf-blind with multiple disabilities waiver program;
- the community living assistance and support services waiver program; and
- the STAR+PLUS home and community-based services waiver program.

The bill would require that the Health and Human Services Commission (HHSC) executive commissioner develop a uniform process that complied with Texas' employment-first policy that would:

- assess the goals of and competitive and integrated employment opportunities and related employment services available to an individual specified by the bill; and
- use the identified goals and available opportunities and services to direct the individual's plan of care at the time the plan was developed or renewed.

The entity responsible for the development and renewal of the plan of care for an individual specified by the bill would have to use the uniform process developed by the HHSC executive commissioner to assess the individual's goals, opportunities, and services and incorporate those goals, opportunities, and services into the plan of care.

The HHSC executive commissioner would have to identify strategies to increase the number of individuals who were receiving services from the Texas Workforce Commission (TWC) or through the individual's waiver program. The executive commissioner also would have to determine a

reasonable number of individuals who indicated a desire to work to receive employment services and ensure such individuals:

- received employment services during the state fiscal biennium ending 2023, or during the period beginning September 1, 2023, and ending December 31, 2023, from TWC or through the individual's waiver program; or
- were receiving employment services on December 31, 2023, from TWC or through the individual's waiver program.

The executive commissioner would have to ensure that each individual who indicated a desire to work was referred to receive employment services from the TWC or through the individual's waiver program.

By December 31 of each even-numbered year, the HHSC executive commissioner would have to prepare and submit to the governor, lieutenant governor, speaker of the House of Representatives, and Legislature a written report that outlined:

- the number of individuals who received employment services under the bill's provisions;
- whether the employment services were provided by TWC, through the individual's waiver program, or both; and
- the number of individuals who obtained competitive and integrated employment, categorized by waiver program and by an individual's level of care if applicable.

The first report would have to be submitted by December 31, 2024.

HHSC would be required to implement a provision of the bill only if money was appropriated specifically for that purpose. If money was not appropriated, the commission could, but would not be required to, implement provisions of the bill using other available appropriations.

As soon as practicable after the bill's effective date, the HHSC executive commissioner would have to adopt rules for implementation of the bill.

The bill would take effect September 1, 2021.