

## **BILL ANALYSIS**

Senate Research Center  
83R1303 KKR-D

S.B. 45  
By: Zaffirini  
Health & Human Services  
3/22/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this bill is to provide a policy framework to help persons with disabilities gain integrated employment. It seeks to remove barriers and disincentives to employment by providing services and supports such as transportation and flexible options for on the job support. This bill requires that all Texas Medicaid waiver participants have access to both the supported employment and employment assistance options that are available currently in only certain waivers.

Persons with disabilities, historically, have been denied many of the rights and opportunities which most Texans take for granted, such as access to education, community-based housing, and employment at living wages. While much progress has been made on the education and housing fronts, very little progress has been made in employment. Only 14.1 percent of working-age adults with intellectual and developmental disabilities (IDD) have jobs in integrated, non-facility situations.

Because most persons with disabilities have not been provided the adequate supports to obtain and maintain community-based employment, there are few job opportunities available to many of them after leaving school. What happens to these persons after the school bus stops coming? The lack of effective transition from school to work for persons with disabilities results in isolation at home after completion of their school-age educations. This isolation can lead to social, physical, and cognitive regression.

Since many adults with disabilities live at home with caregivers, typically their parents or other family members, it is important to note the benefits to families in expanding supported employment services. One out of five families reported they were forced to leave their jobs in order to provide support and/or care for their loved one while they remain at home during the day. If the person with a disability was employed in a traditional job, the caregiver could likely remain at his/her own job.

Currently, the only Medicaid waivers that provide an option for both supported employment and employment services are the Texas Home Living (TxHmL) and Deaf, Blind, and Multiple Disabilities (DBMD) waivers. The Home and Community-based Services (HCS) and the Community Living Assistance and Support Services (CLASS) waivers provide supported employment alone, and the Community-based Alternatives (CBA) and the Medically Dependent Children's Program (MDCP) waivers as well as STAR+PLUS provide no employment options.

Employment assistance is the service that one receives before obtaining a job. Employment services helps persons locate or develop paid employment in the community by helping them identify employment preferences, job skills, requirements for the work setting and work conditions, and prospective employers offering employment compatible with their preferences, skills, and requirements. Supported employment is the service one receives after obtaining a job. It is the assistance, queuing, and coaching that one receives in an effort to maintain a job that the person already has.

As proposed, S.B. 45 amends current law relating to the provision of employment assistance and supported employment to certain Medicaid waiver program participants.

## **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.075, as follows:

Sec. 32.075. EMPLOYMENT ASSISTANCE AND SUPPORTED EMPLOYMENT. (a) Defines "employment assistance" and "supported employment," in this section.

(b) Provides that this section applies only to the following medical assistance waiver programs: the community based alternatives program, the community living assistance and support services program, the deaf-blind with multiple disabilities program, the home and community-based services program, the medically dependent children program, the STAR + PLUS Medicaid managed care program, and the Texas home living program.

(c) Requires the Health and Human Services Commission (HHSC) to provide employment assistance and supported employment to participants in the waiver programs identified in Subsection (b).

SECTION 2. Requires HHSC, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 3. Effective date: upon passage or September 1, 2013.