

Texas Public Policy Foundation

Health Care

Legislator's Guide to the Issues 2017-18



State Supported Living Centers



The Issue

State Supported Living Centers (SSLC) are an increasingly inefficient and ineffective system of care for those with intellectual disability and/or developmental disabilities (ID/DD). The current state-run, institutional system is a Medicaid-funded program that suffers from higher provider rates, but lower quality of care than privately-run community-based facilities. While the regulating agency, the Department of Aging and Disability Services (DADS), has made tremendous progress in moving individuals from SSLCs to community care, consolidation of the facilities has yet to occur in Texas. The resulting lower census per facility has increased costs per resident and the aging structures require high maintenance costs. Overall, the SSLC system is failing financially and failing their patients.

Reports of deaths in the Lubbock SSLC and abuse in other facilities led to an investigation by the U.S. Department of Justice (DOJ) in 2005. The state of Texas entered into a settlement with the DOJ in 2009 that would ensure the standards in the SSLCs adhered to generally accepted standards of care, that protections were in place, and that residents would be given the choice to transition to community services. Despite significant reforms and increased expenditures, currently none of the 13 facilities have yet to achieve substantial compliance with the provisions of the settlement.

Past proposals to help resolve these issues by closing and consolidating Texas SSLCs have not produced any significant result. A coalition of interests—families that may have institutionalized their loved ones decades ago and do not want the SSLCs closed, lawmakers with SSLCs in their districts who are concerned about the loss of jobs, and those employed at SSLCs—have blocked reform in the past and will attempt to block future reform. For instance, during the 84th Legislature, these issues were highlighted in SB 204. This bill was based on the Sunset Advisory Commission's recommendations for the Legislature to reduce the number of SSLCs and aid in the transition to community-based services. Although the bill passed separately through both houses, the conference committee members could not come to agreement and the bill died in the last days of the session, leaving no course for reform. This is an issue because regardless of code violations or low quality of care, an SSLC cannot be closed without action by the Legislature.

Simply put, state-operated institutions cannot be relied on to police themselves or enact needed reforms, and inaction has come at the expense of Texans with ID/DD. It is long past time for Texans to join the long-term trend of deinstitutionalization and carefully, deliberately begin the process of closure and consolidation. SSLCs are closing by default as those with ID/DD and their families increasingly choose to live in the community. The only question for the lawmakers is whether they will manage the gradual decline of SSLCs, or allow them to languish at the expense of those who remain trapped in a failing system.

The Facts

- Texas has not closed an SSLC since 1996, despite a long-term decline in the average monthly census, sub-standard care, and sharply rising costs.
- The average daily population of state-run IDD facilities nationwide declined 78% between 1965 and 2011, while the share of those receiving care in the community increased 85% between 1977 and 2011.
- Community is what Texans want. There are 25,000 people eligible for placement in SSLCs who currently chose to live in the community.

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- One year of services for a person in an SSLC costs about \$113,000 more than serving that same person in an equivalent program in the community.
- As of 2013, 14 states report having no state institutions for people with ID/DD, while Texas operates the most in the nation, currently with 13 SSLCs.
- During the 84th Texas Legislature, SB 200 required that the current agency in charge of regulating SSLCs, DADS, be absorbed by the Health and Human Services Commission (HHSC) by September 1, 2017.
- Texas is currently ranked 50th in a study reporting the Best Performing States for ID/DD services.

Recommendations

- The state must begin the process of closing and consolidating its SSLCs and in turn help manage the transition into a community-based system.
- Lawmakers should direct DADS/HHSC to begin closing and consolidating SSLCs, beginning with the Austin Facility, while implementing reforms to ease transition of SSLC residents into the community.
- Effective SSLC reform should include community placement for all who want it, guaranteed institutional care when families prefer that option, and appropriate assistance for displaced workers.
- Once the facilities have begun to close, DADS/HHSC should focus on improving quality of life for residents and staff at the remaining SSLCs.
- Ultimately, community-based solutions will improve accountability and in turn improve quality.

Resources

[*Department of Aging and Disability Services Report to the 84th Legislature*](#) by Amy Trost, Sunset Advisory Commission (Feb. 2015).

[*Privatize State Supported Living Centers*](#) by Arlene Wohlgemuth and Spencer Harris, Texas Public Policy Foundation (Dec. 2010).

[*DOJ Monitoring Reports*](#), Disability Rights Texas (2013).

[*A Time for Reform: Close and Consolidate Texas' State Supported Living Centers*](#) by John Davidson, Texas Public Policy Foundation (Aug. 2014).

[*Staff Report with Final Results; Department of Aging and Disability Services*](#), Sunset Advisory Commission (July 2015).

[*United Cerebral Palsy's 2015 Report*](#), United Cerebral Palsy (2015).

