



Sunset Commission Adopts SSLC Recommendations

The Texas Sunset Advisory Commission adopted final recommendations for the Department of Aging and Disability Services (DADS) that will be proposed during the 84th Texas Legislative Session that begins Jan. 13, 2015. Recommendations regarding the future of State Supported Living Centers (SSLC) in Texas were of particular interest to disability advocates.

Background

Sunset staff perform agency reviews and make recommendations to the 12-member Commission. In May 2014, Sunset staff made the following recommendations regarding SSLCs:

- close the Austin SSLC by Aug. 31, 2017
- establish an SSLC Closure Commission to determine an additional five SSLCs to close no later than Aug. 31, 2022

Commission members stated that they understood the need to close the Austin SSLC, which currently has a moratorium on admissions and has been downsizing since 2012 (an additional phase of downsizing was initiated in June 2014). Cottages at the Austin SSLC, home to more than 70 residents, are scheduled to be taken offline by the end of the year.

Sunset staff stated that their recommendation to close an additional five SSLCs – decreasing the number of SSLCs in Texas from 13 to seven – was based on data and past closure experiences. While Sunset staff debated exactly how many additional SSLCs to close, they expressed confidence that the system can adequately meet the demand for institutional services with the remaining seven SSLCs.

The Sunset staff recommendation would also have given the Closure Commission the authority to determine which SSLCs to close. Instead of the legislature deciding which centers to close, DADS would have been required to implement the closures without legislative input.

A workgroup of Commission members was established to review and potentially modify the Sunset staff SSLC recommendations. The workgroup was expected to address (A) how many SSLCs (in addition to the Austin center) would close and (B) who gets to decide. The workgroup met several times and invited advocates from both sides of the issue to provide input. The Sunset Advisory Commission adopted the workgroup's recommended modifications.

Adopted Recommendations

The Sunset Advisory Commission adopted final recommendations relating to SSLCs on Aug. 13, 2014.

The Sunset staff recommendation to close the Austin SSLC by Aug. 31, 2017 was adopted by the Sunset Advisory Commission without modification.

The Commission modified the staff recommendation to form an SSLC Closure Commission. Instead, the modification would establish an SSLC Restructuring Commission that would be tasked with right-sizing the number of SSLCs required to meet the need for services in Texas. The Restructuring Commission would evaluate SSLCs based on the objective criteria (see “criteria” below) specified in the Sunset staff report and then submit a final report with recommendations to the 85th Legislature by Dec. 1, 2016. Recommendations of additional SSLC closures would be possible, but that is not a requirement of the Restructuring Commission.

In 2017, the 85th Texas Legislature would be “required” to approve or disapprove the SSLC Restructuring Commission recommendations in an up or down vote, without amendment.

The modification also included a management recommendation requiring that DADS develop a plan to improve the quality of care in all SSLCs and to submit that plan in a report to the legislature by Dec. 31, 2014.

What’s Next

The recommendations will be re-packaged into legislation that will make its way through the legislative process where it could be amended just like any other bill.

Objective criteria to be used to determine how to restructure the SSLC system:

- Quality of services provided by the facility, including consideration of the SSLC’s most recent certification inspections, and the center’s ability to meet the minimum ICF standards
- Costs of operating SSLCs
- Compliance with DOJ settlement agreement
- Availability of community service providers in the area
- Specialty services available at SSLCs, including the ability of an SSLC to serve alleged offenders or high-risk residents
- Availability of employment opportunities for SSLC employees if the center closes
- Infrastructure deficiency costs
- Property values, market demand, and deed restrictions
- Maintaining geographic distribution of SSLCs statewide