

## The Disability System: A Guide to Finding Additional Services for your Client

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### Overview

#### ASSESSMENT

#### STATE PROGRAMS

Intellectual and physical disabilities  
Mental Illness

#### RIGHT TO A FAIR HEARING

#### COMMUNITY RESOURCES

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### *Olmstead*, 527 U.S 581 (1999)

- Held: States are required to provide community based treatment for persons with intellectual disabilities when a treatment professional determines it is appropriate.
- “Unjustified institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life”

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- Nearly half of all children in foster care in the US have [chronic medical problems](#).
- About half of children under five years old in foster care have [developmental delays](#).
- Up to 80 percent of all children in foster care have [serious emotional problems](#).\*

\*<http://www.childrensrights.org/issues-resources/foster-care/facts-about-foster-care/>

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## ASSESSMENT

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- Kids that are already in foster care can get assessed by a medical professional through Medicaid
- If CPS has not done an assessment and you think it is appropriate, ask the court to order an assessment

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## STATE FUNDED PROGRAMS: PHYSICAL AND INTELLECTUAL DISABILITIES

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- EARLY CHILDHOOD INTERVENTION (ECI)
- HOME AND COMMUNITY BASED SERVICES (HCS)
  - CLASS WAIVER
- DEAF BLIND MULTIPLE DISABILITIES
- COMMUNITY BASED ALTERNATIVES
- MEDICALLY DEPENDENT CHILDREN PROGRAM

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### Early Childhood Intervention (ECI)

- ECI is a statewide program for families with children, **birth to three**, with disabilities and developmental delays. ECI supports families to help their children reach their potential through developmental services.
- **To Refer a child to ECI, call DARS inquiry line at 1-800-628-5115.**
- **Eligibility:** Anyone can refer a child who they believe is significantly developmentally delayed
  - Evaluation is free
  - Cost share/sliding scale fees based on income of family
  - Eligible for services if has a medically diagnosed condition, auditory/visual impairment, or evidence of delay of 25% or more (motor, communication, cognition, social-emotional, or self-help)

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### ECI (continued)

- ECI works with families to empower them to work with their own children on a daily basis
- Note: Once a child with a disability reaches three, responsibility for providing services moves to school district if child is eligible for special education.
- Helpful video for clients/family members:  
<http://www.youtube.com/darstexas> (Intro to ECI)

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### Medicaid Waiver Programs- Home and Community Based

- Texas has several home and community based waiver programs- direct response to *Olmstead*
- Developmental Disability Specialists can provide tech support to get children on appropriate waiting lists
  - ➔ Make sure there is a DD Specialist assigned to your client's case
  - ➔ Ensure that the child's file reflects the child's IQ (<70 for intellectual disability, <75 for related condition) for eligibility to waiver programs

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★ Home and Community Based Services (HCS) ★

- **Eligibility:** All ages who qualify for ICF/ID/RC Level of Care I including the requisite IQ.
- **Benefits:**
  - Individual may remain in their own home, with family, at a foster home, or a three-four bed group home.
  - Services include residential assistance through supported home living, foster care, or supervised living; case management; counseling; behavior support; and supported employment

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★ HCS (cont.) ★

- **Contact:**  
<http://www.dads.state.tx.us/services/contact.cfm>  
 Usually a very long waiting list (10+ years), but there are reserved aging out of care (AOC) spots for youth who age out of the foster care system
- **Duration:** as long as eligible
- **Relationship to SSI:** SSI eligibility is required to pay rent on HCS home (which is difficult if the client is not a U.S. citizen)

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CLASS Waiver  
(Community Living Assistance and Support Services)

- **Eligibility:**
  - All ages with qualifying disability other than MR
  - Disability originated before age 22 and affects their ability to function in daily life
  - A "related condition" is typically considered Autistic Disorder, Asperger's Disorder, Rett's Disorder, Childhood Disintegrative Disorder or Pervasive Developmental Disorder
- **Benefits:** Community based services like minor home modifications, occupational & physical therapy, adaptive aids, psychological and behavioral support services

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### CLASS (cont.)

- **Contact:** call 1-877-438-5658 to have a person placed on the interest list
  - Long waitlists (up to ten years)
- **Duration:** as long as eligible

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### Deaf-Blind Multiple Disabilities (DMBD)

- **Eligibility:** All ages who are Deaf, Blind, and have a 3<sup>rd</sup> disability who qualify for ICR/MR/RC Level of Care VIII.
- **Benefits:** Services include assisted living, specialized nursing services, environmental accessibility, speech language and hearing therapy, employment assistance
- **Contact:** Call 1-877-438-5658 and ask for the DBMD waiver (short waiting list)

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### Community Based Alternatives (CBA)

- **Eligibility:** 21+ who qualify for Medicaid nursing home care and are at risk of entering a nursing facility
- **Benefits:** Services include adult foster care, residential care services, emergency response, home delivered meals, **personal assistant services**, prescription drugs (if not covered by Medicare), occupational therapy services
- **Contact:**
  - <http://www.dads.state.tx.us/services/contact.cfm>
  - There are usually long wait lists

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### Medically Dependent Children Program (MDCP)

- **Eligibility:** Under 21, medical necessity criteria for nursing facility care, disability criteria for SSI or Medicaid.
- **Benefits:** services to support families caring for children and young adults who are medically dependent and to encourage de-institutionalization of children in nursing facilities (i.e. respite, minor home modifications, adaptive aids, etc).
- **Contact:** 1-877-438-5658

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### DSHS Personal Care Services

- **Eligibility:** Individuals who are younger than 21 years of age and
  - Enrolled with: Texas Medicaid Fee-for-Service (FSS),
  - Primary Care Case Management (PCCM),
  - STAR or STAR Health (for children in Foster Care)
 and have physical, cognitive, or behavioral limitations related to a disability, or chronic health condition that inhibits ability to accomplish activities of daily living
- [www.dshs.state.tx.us/region1/documents/tmp-personalCareservices.pdf](http://www.dshs.state.tx.us/region1/documents/tmp-personalCareservices.pdf)

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### Personal Care Services (cont.)

- **Benefits:** Provides assistance with activities of daily living that are impaired because of a physical, cognitive or behavioral limitation related to their disability, physical or mental illness, or chronic condition. (i.e. bathing, mobility, meal prep, cleaning, etc.)
- **Contact:** PCS Client line at 1- 888-276-0702
- **Duration:** Reassessment every 12 months

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### DARS Vocational Rehab

- **Eligibility:** Must have an address that's in Texas; have a physical and/or mental condition that affects your ability to work; need vocational rehabilitation services in order to help you get and/or keep a job; and be able to get and keep a job after receiving services. If on SSI, presumed eligible for DARS.
- **Benefits:** Individualized services such as vocational training, counseling, surgery, artificial arms and legs, hearing aids, transportation, interpreter services for people with hearing impairments, job supports for individuals with cognitive impairments, and help in finding a job.

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### DARS Vocational Rehab (cont.)

- **Duration:** When you meet your employment goal
- **Contact:** Find your local office by calling 1-800-628-5115
  - Helpful videos to show your client: <http://www.youtube.com/darstexas> (DARS Services Orientation, Part 1 + 2)
- **If Denied Service by DARS:** Contact Client Assistance Program at Disability Rights Texas, 1-800-252-9108

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### Supplement Security Income (SSI)

- **Eligibility:** low income AND 65+, blind, or are an adult or child with a disability; U.S. Citizen or U.S. National
  - For more info on SSI for noncitizens: <http://www.socialsecurity.gov/pubs/11051.html>
  - Must call SSI to complete the application for SSI for a child, then submit a Child Disability Report online: <http://www.ssa.gov/applyfordisability/child.htm>
- **Benefits:** Monthly payments- amount depends on income and living arrangements and can change every two months based on income for past two months

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### SSI (cont.)

- **Contact:** Different for each county:  
[http://www.ssa.gov/dallas/state\\_tx.html](http://www.ssa.gov/dallas/state_tx.html)
- **Duration:** As long as you are eligible
  - Try advocating for SSI benefits to go into a trust for the child or to a specific disability related service, rather than going straight to CPS
  - Important for youth with serious MI to apply early for SSI, CPS often fails to apply for them and less likely to be noticed along the way




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## Mental Health Service System

- CHILDREN'S MENTAL HEALTH SERVICES
- YOUTH EMPOWERMENT SERVICES PILOT PROGRAM
- ADULT MENTAL HEALTH SERVICE SYSTEM

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### Children's Mental Health Services

- **Eligibility:** if age 3-17 with mental illness diagnosis (except substance abuse, MR, PDD) who exhibit serious emotional, behavioral or mental disorders and who:
  1. Have a serious functional impairment; or
  2. Are at risk of disruption of a preferred living or child care environment due to psychiatric symptoms; or
  3. Are enrolled in a school system's special education program because of serious emotional disturbance.

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### Children’s Mental Health (cont.)

- **Benefits:** Screenings, Assessments, Crisis Intervention, inpatient mental health services, pharmacological management and many other services described here: <http://www.dshs.state.tx.us/mhsa/mh-child-adolescent-services/>
- **Contact:**
  - **MHMR of Harris County**  
Crisis Phone: 866-970-4770  
Main Phone: 713-970-7000  
Website: <http://www.mhmrharris.org>
  - To find local services: <http://www.dshs.state.tx.us/mhservices-search/>
  - To find a substance abuse treatment program: 1-877-9-NO DRUG (1-877-966-3784)
  - Substance abuse prevention services: 1-888-PRC-TEXX (1-888-772-8399)

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### Youth Empowerment Services (YES)

- Eligibility:** Bexar, Tarrant, or Travis County (Harris County coming soon)
- 3-18 years old
  - Reasonable expectation that child would qualify for inpatient care
  - Serious functional impairment or acute severe psychiatric symptoms (risk of self harm, disruptive or aggressive behavior, diagnosis)
  - Medicaid eligible for psychiatric institution

**Benefits:**  
Continuum of community based services (including community living supports, paraprofessional support, respite, family based alternatives) for youth with severe emotional disturbances **to avoid going into a psychiatric hospital or into the foster care system**

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### YES (cont.)

- **Contact:**
  - For Travis County Interest List contact Austin Travis County Integral Care at (512) 804-3191.
  - For Bexar County Interest List contact The Center for Health Care Services at (210) 731-1300 extension 259
  - For Tarrant County Interest List contact Mental Health Mental Retardation of Tarrant County at 817-569-5900
  - More Info: <http://www.dshs.state.tx.us/mhsa/yes/>
- **Note:** Harris County is scheduled to begin serving as pilot sites in April 2013 if the waiver is determined to be cost effective in its first two years of operation

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### Adult Mental Health Services

- Local Mental Health Services for adults through 39 Community Mental Health Centers
- ACT: Self contained, wraparound services for adults with severe and persistent mental illness
- Supported Employment: assistance with finding and keeping employment
- Supported Housing: Assistance in getting and keeping housing along with budgeting, meal preparation and accessing transportation

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### Adult Mental Health (cont.)

- Co-Occurring Psychiatric and Substance Abuse Disorders (COPSD) Services: integrated services and treatment.
  - List of providers: <http://www.dshs.state.tx.us/mhsa/copsd/>
- Homelessness: Mental health services for those who are homeless
- **Contact:** To find health services in your area: <http://www.dshs.state.tx.us/regions/default.shtm>

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### Right to a Fair Hearing

**•A foster child has the right to a fair hearing to appeal the denial, reduction, or termination of a service that he or she requested.**

**•42 U.S.C. § 671(a)(12)**

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## Right to Fair Hearing (cont.)

- Examples
  - Appeal denial from any of the state or federal programs in this presentation (except if the reason is program participation limit or if child is put on waiting list)
  - Appeal decision made by CPS
  - Appeal Medicaid decision
  - Appeal Metro decision regarding transportation

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## NON-PROFIT AND COMMUNITY RESOURCES

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## Centers for Independent Living

- Representative Services Offered at Many CILs:**
- **Peer Mentoring and Support Groups** Staff, board members and volunteers with disabilities are available to discuss specific issues surrounding a variety of disabilities in a one-on-one conversation or a support group setting.
  - **Social Security Representative Payee Programs** a benefits program where CIL manages the finances for individuals who receives Social Security benefits .
  - **Hearing Loss Resource Specialists** Assist individuals who have a hearing loss in obtaining services from service providers and accommodations.
  - **Independent Living Skills Training** Cooking and money management classes, travel training and computer training. Other classes may be designed upon request. Computer labs feature assistive equipment that can provide access to commonly used software programs, the internet and email using assistive technology. Classes are offered using specialized techniques designed for people who are blind, have learning disabilities, or physical disabilities that prevent the use of a mouse or keyboard.

Houston Center for Independent Living: [www.hcil.cc](http://www.hcil.cc)  
 Directory of all CILs: [http://www.dars.state.tx.us/DRS/directory\\_cil.shtml](http://www.dars.state.tx.us/DRS/directory_cil.shtml)

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### Other Nonprofit Resources

- **Partners Resource Network**
  - Parent Training and Information Centers, providing training, education, information, referral, emotional support, and individual assistance in obtaining appropriate services.
  - <http://www.partnerstx.org/>
- **National Alliance on Mental Illness (NAMI)**
  - [www.namimetrohouston.org](http://www.namimetrohouston.org)
  - Support group meetings, education and advocacy

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### Legal Representation- Disability Rights Texas

- **Services:** Free legal representation in specific priority areas, including (but not limited to):
  - Education
  - Health Care (Medicaid Appeals)
  - Denials from DARS
  - Access
  - Employment, Housing, and Transportation Discrimination
- **Contact:** <http://www.disabilityrightstx.org/> Intake line: 1-800-252-9108

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### South Texas College of Law and Houston Mayor's Office for People with Disabilities

- **Intake Clinic:** 3<sup>rd</sup> Thursday of every month 1PM-3PM at Metropolitan Multipurpose Center at 1475 West Grey, Houston, TX
- **Issues handled include:**
  - Family Law
  - Probate
  - Estate Planning
  - Guardianship
  - Community Education

<http://www.houstontx.gov/citizensnet/stclassistance.pdf>

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