

Texas Register

TITLE 1 ADMINISTRATION
 PART 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
 CHAPTER 351 COORDINATED PLANNING AND DELIVERY OF HEALTH AND
 HUMAN SERVICES
 SUBCHAPTER ADVISORY COMMITTEES
 B
 RULE §351.817 Texas Council on Consumer Direction
 ISSUE 06/17/2016
 ACTION Final/Adopted

(a)Statutory authority. The Texas Council on Consumer Direction (the Council) is established in accordance with Texas Government Code §531.012.

(b)Purpose. The Council advises HHSC on the development, implementation, expansion, and delivery of services through consumer direction in all programs offering long-term services and supports that enhances a consumer's ability to have freedom and exercise control and authority over the consumer's choices, regardless of age or disability.

(c)Tasks.

(1)The Council makes recommendations to HHSC to:

(A)expand the delivery of services through consumer direction to other programs serving persons with disabilities and elderly persons under Texas Government Code, Chapter 531, Subchapter B;

(B)expand the array of services delivered through consumer direction;

(C)increase the use of consumer direction models by consumers;

(D)optimize consumer choice of Financial Management Services Agencies (FMSAs);

(E)expand access to support advisors for consumers receiving long-term care services and supports through consumer direction;

(F)monitor and analyze research for best practices in self-determination, consumer direction, and training;

(G)provide guidance and support to consumer outreach efforts; and

(H)increase informed choices, opportunities, and supports as a means to lead self-determined lives through the use of consumer direction models.

(2)The Council performs other tasks consistent with its purpose as requested by the Executive Commissioner.

(d)Reporting requirements. The Council files an annual written report to the Executive Commissioner no later than October 1st. The report includes:

(1)a list of the meeting dates;

(2)the members' attendance records;

(3)a brief description of actions taken by the Council, including staff and member orientation, training, strategic planning, retention, and evaluation efforts;

(4)a description of how the Council accomplished its tasks;

(5)a summary of the status of any rules that the Council recommended to HHSC;

- (6) a description of activities the Council anticipates undertaking in the next fiscal year;
- (7) recommended amendments to this section; and
- (8) the costs related to the Council, including the cost of HHSC staff time spent supporting the Council's activities and the source of funds used to support the Council's activities.

(e) Abolition. The Council is abolished, and this section expires, four years after the date of its creation, in compliance with Texas Government Code §2110.008(b).

(f) Membership.

(1) The Council consists of no more than 17 members.

(A) Each member is appointed by the Executive Commissioner.

(B) Council membership must include:

(i) three members to serve as consumers or potential consumers of the array of services provided through consumer direction;

(ii) two members to serve as advocates for elderly persons who are consumers of the array of services provided to elderly persons through consumer direction;

(iii) two members to serve as advocates for persons with disabilities who are consumers of the array of services provided to persons with disabilities through consumer direction;

(iv) three members to represent financial management services agencies providing services through consumer direction;

(v) one member to represent a STAR+PLUS managed care organization;

(vi) one member to represent a STAR Kids managed care organization;

(vii) one member who serves as a mental health services advocate for consumers who receive consumer-directed services;

(viii) one member who represents a Local Intellectual and Developmental Disability Authority (LIDDA) for consumers who receive consumer-directed services;

(ix) one member with experience providing personal care attendants for consumers who receive consumer-directed services;

(x) one member to serve as an advocate for pediatric consumers or potential consumers of the array of services provided through consumer direction; and

(xi) one member to represent family members of pediatric consumers or potential consumers of the array of services provided through consumer direction.

(C) A majority of the members of the Council must be composed of consumers and advocates.

(D) Council membership must include, to the extent possible, individuals representing a range of ages and disabilities, including:

(i) individuals with an intellectual disability or related condition;

(ii) individuals with a physical disability;

(iii) individuals who are age 65 or older;

(iv) individuals with mental health needs; and

(v) individuals with children with high medical needs.

(E) Nonvoting members. Each nonvoting member is appointed by his or her respective agency as follows:

(i) two representatives with an expertise in consumer direction from HHSC or another state agency as considered necessary by the Executive Commissioner;

(ii) two representatives from the Texas Workforce Commission, one representing state unemployment and one representing employment services for individuals with disabilities;

(iii) one representative with expertise on managed care organizations from HHSC or another state agency as considered necessary by the Executive Commissioner;

(iv)one representative of the Texas Department of Family and Protective Services; and
(v)one representative with expertise in mental health from HHSC or another state agency as considered necessary by the Executive Commissioner.

(F)Additional nonvoting members may be added, as considered necessary by the Executive Commissioner and/or the Council.

(2)Except as necessary to stagger terms, each member is appointed to serve a term of four calendar years, including nonvoting members.

(g)Chairs.

(1)The Council selects a Chair and Vice-Chair from among its voting members.

(2)The Chair serves until December 31 of each even-numbered year. The Vice-Chair serves until December 31 of each odd-numbered year.

(3)A member serves no more than two consecutive terms as Chair or Vice-Chair.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 6, 2016

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