



TO: Medical Care Advisory Committee

DATE: August 11, 2022

FROM: Sonja Gaines, Deputy Executive Commissioner of
IDD and Behavioral Health Services

SUBJECT: LIDDA Service Coordinator Qualifications

Agenda Item No.:

Amendment to: 26 TAC Chapter 331 relating to LIDDA Service Coordination.

BACKGROUND: ☐ Federal Requirement ☐ Legislative Requirement ☒ Other:
External stakeholder request

The purpose of the amendment is to change minimum qualifications for service coordinators in §331.17. By expanding the hiring qualifications for service coordinators, local intellectual and developmental disability authorities (LIDDAs) will have an increased pool of skilled applicants.

ISSUES AND ALTERNATIVES:

IDD Services determined there is a need to expand the minimum qualifications for LIDDA service coordinators to increase the pool of skilled applicants. The COVID-19 pandemic has exacerbated workforce shortages for LIDDAs across the state. To address the staffing problems they are facing, amending the service coordinator qualifications is a no-cost strategy that will mitigate some of their staffing challenges.

It is the intent of HHSC that the amended rule expands the minimum qualifications for service coordinators working with individuals with intellectual and developmental disabilities.

STAKEHOLDER INVOLVEMENT:

In response to significant workforce challenges experienced system-wide, the Texas Council of Community Centers requested HHSC consider revising the minimum hiring qualifications for LIDDA service coordinators. Recommendations include amending the current educational qualifications, as well as experience requirements with a high school diploma.

Because of the urgent need to alleviate the staffing difficulties and because the amendment was requested by an external stakeholder, HHSC did not publish draft rules for review and informal comment. IDD Services anticipates positive feedback from external stakeholders when the rule is posted for formal comment.

The proposed rules will be presented at the HHSC Executive Council meeting on August 18, 2022.

FISCAL IMPACT:

☒ None

RULE DEVELOPMENT SCHEDULE:

August 2022	Publish proposed rules in <i>Texas Register</i>
August 11, 2022	Present to the Medical Care Advisory Committee
August 18, 2022	Present to HHSC Executive Council
November 2022	Publish adopted rules in <i>Texas Register</i>
November 2022	Effective date

REQUESTED ACTION: (Check appropriate box)

☐ The MCAC recommends approval of the proposed rules for publication.

☒ Information Only

TITLE 26	HEALTH AND HUMAN SERVICES
PART 1	TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 331	LIDDA SERVICE COORDINATION

PROPOSED PREAMBLE

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §331.17, concerning Minimum Qualifications.

BACKGROUND AND PURPOSE

The purpose of the proposal is to change minimum qualifications for service coordinators in §331.17. Local intellectual and developmental disability authorities (LIDDAs) across Texas are reporting workforce challenges, particularly among service coordinators, who generally must have at least a bachelor's degree in a human services-related field of study, unless they meet specific requirements in addition to having a high school diploma. Expanding the hiring qualifications for service coordinators will give LIDDAs an increased pool of skilled applicants, who may not have advanced degrees but are qualified to monitor services for people with intellectual and developmental disabilities based on previous unpaid or paid experiences. Expanding qualification requirements could have long-term positive effects for a vulnerable population that relies on LIDDA service coordinators to assist them in securing the services they need and achieving their desired outcomes and best quality of life.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §331.17 updates rule language to reflect the change in terminology from "Mental Retardation Authority" to LIDDA.

The proposed amendment to §331.17(b) expands minimum service coordinator qualifications by removing the field of study requirement for a service coordinator with a bachelor's degree and adding an associate degree in a human services-related field. The amendment also changes the hiring qualifications for a service coordinator with a high school diploma by allowing two years paid or unpaid experience with individuals with intellectual or developmental disabilities and removing additional requirements, such as completion of Partners in Policy Making training.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to HHSC;
- (5) the proposed rule will not create new rule;
- (6) the proposed rule will not expand existing rule;
- (7) the proposed rule will not change the number of individuals subject to the rule; and
- (8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The amendment does not require small businesses or micro-businesses to change current business practices to the detriment of any small business or micro-business.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas, and the rule does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Sonja Gaines, Deputy Executive Commissioner for IDD and Behavioral Health Services, has determined that for each year of the first five years the rule is in effect, the public benefit is that there will be increased job opportunities for Texans. LIDDAs will have the ability to hire from a larger pool of qualified applicants to provide continuous services to individuals with intellectual and developmental disabilities.

Trey Wood has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with

the proposed rule. The proposed rule doesn't add any new fees or costs for those required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal may be submitted to HHSC IDD Services, Brandi Lambert, Mail Code 354, P.O. Box 149030, Austin, Texas 78714-9030, or by email to iddservicespolicyandrules@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the Texas Register. Comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) e-mailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When e-mailing comments, please indicate "Comments on Proposed Rule 22R096" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.021, which provides HHSC with the authority to administer federal funds and plan and direct the Medicaid program in each agency that operates a portion of the Medicaid program; Texas Human Resources Code §32.021, which provides that HHSC will adopt necessary rules for the proper and efficient administration of the Medicaid program; and Texas Health & Safety Code §533A.0355(a), which provides that the Executive Commissioner of HHSC shall adopt rules establishing the roles and responsibilities of LIDDAs.

The amendment affects Texas Government Code §531.0055 and §531.021, Texas Human Resources Code §32.021, and Texas Health & Safety Code §533A.0355(a).

This agency hereby certifies that this proposal has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

ADDITIONAL INFORMATION

For further information, please call: (512) 438-5609.

Legend:

Single Underline = Proposed new language

~~[Strikethrough and brackets]~~ = Current language proposed for deletion

Regular print = Current language (No change.) = No changes are being considered for the designated subdivision

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 331 LIDDA SERVICE COORDINATION

§331.17. Minimum Qualifications.

(a) Service coordination may be provided only by an employee of the LIDDA [MRA].

(b) Except as provided by subsections (d), (e), and (f) of this section, a staff person providing service coordination must have:

(1) a bachelor's or advanced degree from an accredited college or university ~~[with a major in a social, behavioral, or human service field including, but not limited to, psychology, social work, medicine, nursing, rehabilitation, counseling, sociology, human development, gerontology, educational psychology, education, and criminal justice]; [or]~~

(2) an associate degree in a social, behavioral, human service, or health-related field including, psychology, social work, medicine, nursing, rehabilitation, counseling, sociology, human development, gerontology, educational psychology, education, and criminal justice; or

(3) [(2)] a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma, and two years of paid or unpaid experience with individuals with intellectual or developmental disabilities.[÷]

~~[(A) two years of paid experience as a case manager in a state or federally-funded Parent Case Management Program or have graduated from Partners in Policy Making; and]~~

~~[(B) personal experience as an immediate family member of an individual with mental retardation.]~~

(c) The LIDDA [MRA], at its discretion, may require additional education and experience for staff who provide service coordination.

(d) At the discretion of the LIDDA [MRA], a staff person who was authorized by a LIDDA ~~[an MRA]~~ to provide service coordination prior to April 1, 1999, may provide service coordination without meeting the minimum qualifications described in subsection (b) of this section.

(e) Until December 31, 2011, a LIDDA ~~[an MRA]~~ may hire a person to provide service coordination who was employed as a case manager for an HCS Program provider for any period of time prior to June 1, 2010, even if the person does not

meet the minimum qualifications described in subsection (b) of this section.

(f) Beginning January 1, 2012, a LIDDA [~~an MRA~~] may hire a person to provide service coordination who was hired by another LIDDA [~~MRA~~] in accordance with subsection (e) of this section.