



## CANDIDATE FOR GOVERNOR SURVEY

1. **Counsel:** When making decisions regarding services, programs and laws that could impact people with disabilities, who do you turn to for advice and counsel?
  - Advice and counsel is provided to the Governor by his professional executive branch staff at the Office of the Governor. This includes the Governor's Committee on People with Disabilities, who has a role in offering counsel on issues pertaining to those with disabilities. This committee within the Office of the Governor has many sterling members who are committed to helping those with disabilities - including Archer Hadley, who, as a student, advocated successfully for accessible entrances at Austin High School; and the committee chair, Aaron W. Bangor, who as the Lead Accessible Technology Architect at AT&T works to ensure that the internet and digital technology are more accessible for all. Ultimately, the Governor is the decision-maker and makes his own determinations on crucial questions, in accordance with the Texas Constitution.
  
2. **Legacy:** What legacy and/or contribution do you hope the disability community remembers you for?
  - Governor Abbott has been a trailblazer as a Supreme Court Justice, Attorney General, and Governor of Texas. In these roles he has endeavored to ensure prosperity, security, and justice for all Texans.
  - Greg Abbott is the first Governor in the history of Texas to be confined to a wheelchair. His hope, in addition to his legacy as a policymaker, is that he serves an inspiration for Texans with disabilities and sends the message that anything is possible in Texas.
  - Perhaps the Governor's proudest legislative accomplishment to support the rights of those with disabilities is in signing Senate Bill 160 (85(R)), to prohibit TEA from adopting an indicator imposing an effective cap on special education enrollment.
    - In 2004, an arbitrary 8.5% cap on special education enrollment was adopted by TEA; even though the national average of students receiving special needs education is about 13%.<sup>1</sup>
    - TEA enacted a policy without telling lawmakers, federal officials, and the public that caused students with disabilities to be turned away for services such as tutoring and therapy.<sup>2</sup>
    - SB 160 was unanimously passed by the Legislature to abolish this cap and ensure that students receive the support they need.

<sup>1</sup> <https://www.houstonchronicle.com/denied/1/>

<sup>2</sup> *Ibid.*



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- The Governor also sent a letter to the Commissioner of Education in January 2018 asserting that these practices will end and that “TEA must take steps now to significantly increase the oversight provided to ensure our special education students are receiving the services they deserve.”<sup>3</sup> The letter also directed an immediate action plan within seven days to address continuing issues, including any further legislative suggestions to ensure compliance with federal and state law on special needs education.<sup>4</sup>
- The Governor aspires to help create a robust school choice architecture in Texas, which will especially benefit vulnerable students, including with those disabilities or special needs. The Governor has defined this as the civil rights issue of our time.
- The Governor advocates increased pay for personal attendants in order to recruit and retain these professionals and provide home and community based living options.
- The Governor has advocated enhanced funding and increased options to combat the backlog of cases, including disability claims, at the U.S. Department of Veterans Affairs.

### 3. **Emergency Preparedness:** What can the state do to improve emergency management and preparedness for people with disabilities?

- The state has a number of resources available after a disaster, including the Department of Public Safety’s (DPS) Division of Emergency Management (TDEM) and - since Hurricane Harvey - the Commission to Rebuild Texas, which directs those with disabilities to resources at FEMA and the Health and Human Services Committee’s Aging and Disability Resource Center.
- The State of Texas Emergency Assistance Registry (STEAR) program is a free registry run by TDEM that provides local emergency planners and emergency responders with additional information on the needs in their community. TDEM encourages people with disabilities to register, and provide information about limited mobility, communication barriers, and necessity of emergency medical assistance, personal care, or transportation assistance.
- Also, note that part of the answer is in local policymaking, as in Texas, Mayors and County Judges are responsible for emergency preparedness and response within their local jurisdictions. Another dimension is federal policy, due to the important policymaking role of agencies such as FEMA. FEMA offers services and technologies to support

<sup>3</sup> [https://gov.texas.gov/uploads/files/press/TEA\\_LETTER\\_1\\_11\\_18.pdf](https://gov.texas.gov/uploads/files/press/TEA_LETTER_1_11_18.pdf)

<sup>4</sup> *Ibid.*



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survivors with disabilities and access and functional needs through the disaster assistance process.

- The Office of the Governor included Hurricane Harvey response and recovery resources on its website home page, including links to accessible FEMA information videos prepared using the following forms of effective communications:
  - Use of a certified deaf interpreter (a native ASL user) to communicate with the audience in ASL.
  - Spoken voice-over for the video content to accommodate a general audience and individuals who are blind or have low vision.
  - Open captioning for individuals who are hard-of-hearing.
- Texans with disabilities have other options for connecting with resources during a disaster. Among the most common and useful resources is the Texas 211 Network managed by Texas Health and Human Services. 211 is a phone number available in every county affected by Hurricane Harvey. The network is staffed by information and referral specialists backed up by the most comprehensive database of community resources to help all Texans get connected to resources in their community and recover from disasters.
- A state-level Texas Disability Taskforce on Emergency Management was active both before and after Hurricane Harvey, developing emergency management toolkits to guide local offices of emergency management on addressing the effective communications needs for support services of people with disabilities. The taskforce has broad representation from most of the major statewide disability organizations and state agencies that provide services.
  - According to the task force: “The most effective way to view emergencies through the eyes of people with disabilities is to involve community members with disabilities in the planning and preparation process, including drills and exercises.”<sup>5</sup>
- The Texas Governor’s Committee on People with Disabilities (GCPD), within the Office of the Governor, has recommended a number of improvements to current emergency management procedures to support the needs of those with disabilities:<sup>6</sup>
  - The GCPD recommends that all local emergency management jurisdictions assign a local data custodian or develop a regional data custodian to manage this type of data.

<sup>5</sup> <https://www.preparingtexas.org/Resources/documents/FNSS/FNSS%20Toolkit%20-%20v7,%20April%202017.pdf>

<sup>6</sup> [https://gov.texas.gov/uploads/files/organization/disabilities/2018-2019\\_BienRpt\\_022817\\_Final.pdf](https://gov.texas.gov/uploads/files/organization/disabilities/2018-2019_BienRpt_022817_Final.pdf)



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- The GCPD also encourages all state and human health services providing services to disabled Texans to have ongoing discussions about emergency preparedness in order to better prepare the responders, the disabled individuals and their support systems.
- The GCPD supports the idea of reclassifying a vacant or new full-time employee position within Texas' Division of Emergency Management to serve as a disability coordinator on emergency management activities for Texans with disabilities in order to adequately prepare for disability related issues occurring in the state. Their responsibilities would include:
  - Developing, implementing, maintaining and delivering training on disabilities and functional and access needs for emergency management officials and first responders
  - Ensuring state and local emergency plans include the needs of people with disabilities.
  - Supporting the Texas Disability Task Force and promoting the establishment of access and functional needs advisory committees in local jurisdictions throughout the state.
  - Promoting full participation in the State of Texas Emergency Assistance Registry (STEAR) by Texans with disabilities.
  - Promoting emergency preparedness for Texans with disabilities by leveraging partnerships with state and local disabilities organizations.

**4. Transportation:** What steps should the State of Texas take to increase access to public transportation for Texans with disabilities who live in rural areas? What about for urban areas?

- Greg Abbott knows that Texans with disabilities want to be engaged in their communities, hold jobs, and contribute to the local economy. He understands that for many, the biggest obstacles to an active life is a lack of viable transportation options for individuals with disabilities.
- Municipal and other local authorities have the primary responsibility for public transportation, and Greg Abbott supports their efforts to provide these services. Lubbock, for example, provides CitiAccess, providing a demand response transportation service to eligible passengers; their public transit buses are also fully accessible. Similarly, McAllen offers ADA Paratransit Services, which is an origin to destination public transportation service for people with disabilities who are unable to the Metro McAllen fixed routes. Paratransit is a shared-ride service operated with accessible vehicles also available in the



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Concho Valley. Services such as this leave few gaps as access is already available door-to-door.

- In both rural and urban areas, increasing the use of rideshare programs would provide an important resource for Texans with disabilities.
- Uber provides employment to the deaf and is recognized by the Ruderman Family Foundation as one of 18 companies leading the way in supporting individuals with disabilities.<sup>7</sup>
  - For riders who are blind or low-vision and may be traveling with service animals, Uber’s Code of Conduct and Service Animal Policy clearly requires driver-partners to comply with all applicable laws regarding the transportation of service animals. The Uber app also has voice-based and wireless braille compatibility for those with blindness or reduced vision.
  - In some Texas cities, Uber provides wheelchair-accessible rides at the same rates as other Uber vehicles, variously known as UberWAV and UberAccess.
- In addition to assistance to passengers with visual and hearing impairments, Lyft allows those with disabilities to access a wheelchair accessible vehicle through their application in certain areas in Texas such as Dallas. In areas where this service is unavailable, Lyft will send a text message to the passenger notifying them of local services that offer this service.<sup>8</sup>
- In rural areas in particular, efforts should be made to evaluate existing transportation options and solicit input from stakeholders in order to identify and address gaps in access to public transportation.

- Additionally, individuals enrolled in the state’s Medicaid program can receive transportation assistance to anywhere they receive Medicaid services - including doctor appointments, dentist visits, and trips to the grocery store - by contacting HHSC.

**5. Community Integration:** In the *Olmstead v. L.C.* decision, the U.S. Supreme Court issued a ruling that requires states to eliminate unnecessary segregation of persons with disabilities and to ensure that persons with disabilities receive services in the most integrated setting appropriate to their needs. What more, if anything, can the State of Texas do to implement this requirement?

- Title II of the ADA, which proscribes discrimination in the provision of public services, specified that no qualified individual with a disability shall, “by reason of such disability,”

<sup>7</sup> <https://accessibility.uber.com/>

<sup>8</sup> <https://help.lyft.com/hc/en-us/articles/115013081668-Accessible-vehicle-dispatch>



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be excluded from participation in, or be denied the benefits of, a public entity's services, programs, or activities. One of its regulation, known as the "integration regulation," requires a "public entity [to] administer ... programs ... in the most integrated setting appropriate to the needs of qualified individuals with disabilities." 28 CFR § 35.130(d).

- The *Olmstead v. L.C.* decision held that individuals with mental disabilities have the right to live in the community rather than in institutions if "the State's treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the affected individual, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities."
- The state of Texas must continue to improve transportation options and career opportunities so that persons with disabilities can stay in their communities and contribute. The state could be a model employer of persons with disabilities by creating more opportunities for work experience and internships in state government, while supporting the private sector's efforts to employ people with disabilities.
  - The Governor's Committee on People with Disabilities (GCPD), which is within the Office of the Governor, supports the use of reasonable accommodations, assistive technology, and trainings for employees and employers in order to integrate Texans with disabilities into the public and private sectors.<sup>9</sup>
  - The GCPD also seeks to ensure that all state agency contracts include a provision that all contracted workers, including individuals with disabilities whose employment may be funded through Vocational Rehabilitation Services programs, are paid no less than the prevailing minimum wage.<sup>10</sup>
  - In the area of transportation, the GCPD has promulgated a comprehensive plan to improve the availability of accessible parking and enforcement of accessible parking laws.<sup>11</sup>
- As noted above, the state of Texas must continue to improve transportation options and career opportunities so that persons with disabilities can stay in their communities and contribute.

<sup>9</sup> [https://gov.texas.gov/uploads/files/organization/disabilities/2018-2019\\_BienRpt\\_022817\\_Final.pdf](https://gov.texas.gov/uploads/files/organization/disabilities/2018-2019_BienRpt_022817_Final.pdf)

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*



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- Greg Abbott supports payment of employees with disabilities consistent with the federally-mandated minimum wage. The 14(c) exemption to the Fair Labor Standards Act allows employers to pay workers with disabilities less than other workers, and is based on disgraceful and antiquated notions.
  - Such subminimum wages must be commensurate wage rates - based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.
  - This federal law should be repealed or reformed to ensure that workers with disabilities are paid at least the same minimum wage as other employees.

**6. Families & Caregivers:** What, if anything, do you think the State of Texas should do to assist families and caregivers of Texans with disabilities?

- Texas must make information about services readily accessible and easy to understand, through improved online and other communication. Additionally, Texas must do more to engage those with disabilities, their caregivers, and those affected by the process.

**7. Housing:** What action, if any, would you take to increase access to affordable, accessible, integrated housing for Texans with disabilities? Do you support increased funding for the Housing Trust Fund?

- The Texas Department of Housing and Community Affairs' (TDHCA's) State Housing Trust Fund provides loans and grants to finance, acquire, rehabilitate, and develop decent and safe affordable housing.
  - For 2018-19, \$10,443,402 was appropriated to the Housing Trust Fund, though this is only a fraction of nearly \$100 million allocated to TDHCA for affordable housing (which also includes project such as federal tax credits and Section 8 rental assistance).
  - \$3,399,062 is dedicated to the Amy Young Barrier Removal Program, which is exclusively dedicated to the benefit of persons with disabilities.<sup>12</sup>
  - The Governor supports maintaining sufficient funding for affordable housing, in partnership with available federal and local resources.
- In February 2013, the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Health and Human Services (HHS) announced nearly \$98 million

<sup>12</sup> <https://www.tdhca.state.tx.us/htf/docs/2018-2019-HTFPlan.pdf>



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in funding for 13 state housing agencies for rental assistance to extremely low-income persons with disabilities, many of whom are transitioning out of institutional settings or are at high risk of homelessness.<sup>13</sup> One of these was the Texas Dept. of Housing & Community Affairs, which was provided \$12 million to construct 385 housing units<sup>14</sup> in Austin, Brownsville, Dallas-FTW, El Paso, Houston, McAllen, and San Antonio areas.

- In August 2017, TDHCA awarded \$67 million in low-income housing tax credit (LIHTC) allocations to help finance or build 69 affordable housing developments and 4,817 affordable rental units.<sup>15</sup> Greg Abbott will work state, local, and federal authorities to continue implementing similar programs.

**8. Voting:** What steps would you take to ensure that Texans with disabilities have the same access to voting (registering and casting a ballot) as Texans without disabilities?

- Some research indicates that 35 million voting-age Americans with disabilities are not all fully able to access election ballots. Barriers include:
  - Difficulty marking paper ballots, in jurisdictions that use such ballots.
  - Physical barriers at polling places, such as steep ramps and poor path surfaces, which block people with disabilities from voting.
  - Difficulty finding transportation to the polls.
  - Lack of appropriate voter ID among those who do not drive and have not already obtained an Election Identification Certificate, available without charge from DPS.
- The US Government Accountability Office (GAO) observed polling place accessibility at 178 polling places during the 2016 election. They found the following results: Of the 178 polling places, 60% (107) had one or more potential impediments. Of the 137 where GAO was able to fully examine voting stations inside the polling place, 65% (89) had a voting station with an accessible voting system that could impede the casting of a private and independent vote.
  - A Rutgers University study determined that voters with disabilities had six percent lower (6%) turnout than voters without disabilities in 2016.
  - Greg Abbott supports efforts to ensure that Texans with disabilities have an equal opportunity to register to vote. The Texas Workforce Commission begun the process of implementing voter registration services to disabled Texans served by its Vocational Rehabilitation Program early in 2018 to combat this problem.

<sup>13</sup> <https://web.archive.org/web/20130321004156/http://www.hhs.gov/news/press/2013pres/02/20130212b.html>

<sup>14</sup> *Id.*

<sup>15</sup> [https://www.housingfinance.com/finance/texas-awards-67-million-in-lihtcs\\_o](https://www.housingfinance.com/finance/texas-awards-67-million-in-lihtcs_o)



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- Greg Abbott also supports efforts to ensure ballot access for Texans with disabilities, such as ensuring that polling locations are conveniently accessed by public transportation.
    - A first-in-the-nation Texas law provides that all new voting systems after September 1, 1999, must be accessible to voters with disabilities and provide a practical and effective means for voters with disabilities to cast a secret ballot.
    - Texas law also requires polling places to be ADA accessible, and must accommodate voters with no vision, low vision, no hearing, low hearing, limited manual dexterity, limited reach, limited strength, no mobility, low mobility, or any combination.
    - With the exception of buildings owned, leased, or operated by the Federal Government, government-funded, state-leased, privately-funded public accommodations and commercial buildings are subject to compliance with the Texas Accessibility Standards (TAS) that are consistent with the Americans with Disabilities Act (ADA). The TAS has received equivalency to the ADA by the Department of Justice (DOJ).<sup>16</sup> Governor Abbott signed HB 1463 relating to procedures for actions alleging failure to comply with certain standards to accommodate persons with disabilities.
    - If a voter is physically unable to enter a polling place, they may request curbside voting.
    - Disability is one of the conditions which enables a voter to vote by mail, a process that does not require the presentation of Voter ID.
  - Senate Bill 5 (Huffman, 85(R)), signed by the Governor in 2017, established a program using mobile units to provide election identification certificates to voters who are otherwise unable to prove their identification, and who declare a reasonable impediment to producing the identification required.
- 9. Special Education:** Texas implemented a limit on the number of children receiving special education services, which lead to tens of thousands of children with disabilities not receiving the services for which they were eligible. Do you support or oppose increased funding to ensure that Texas public schools and teachers have the resources and training necessary to meet the diverse needs of students with disabilities?
- It is imperative that parents have comprehensive and understandable information regarding existing programs for their child with disabilities. Information regarding special needs education is not always well organized or presented to educators, parents and

<sup>16</sup> [https://gov.texas.gov/organization/disabilities/building\\_accessibility](https://gov.texas.gov/organization/disabilities/building_accessibility)



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students in an easily accessible format. As Governor, Greg Abbott would ensure that information on special needs opportunities is presented to students in a clearly accessible forms.

- Furthermore, Greg Abbott has proposed an education plan that includes millions of dollars in additional funding for technology grants and professional development that will give teachers and schools the resources and training necessary to implement innovative approaches to education built around personalized lesson plans and competency-based learning, which allows students to master material at their own pace.
  - In a January 11, 2018 letter to Commissioner of Education Mike Morath, Governor Abbott directed “immediate steps to prepare an initial corrective action plan draft within the next seven days,” to be developed with “representatives of parent groups, special education advocacy groups, as well as administrators and educators throughout the state.” After extensive public input, the corrective action plan is being implemented and can be accessed online.
- Greg Abbott supports providing students with disabilities with the opportunities necessary for special education, and access to affordable higher education, and considers furthering this goal to be a key state responsibility. By enabling more students with disabilities to obtain degrees, Texas can provide more opportunities for their careers. This may entail increased funding applied in a fiscally responsible and outcomes-driven manner.
- One size does not fit all when it comes to education, and parents of special needs children should have the option to choose the school that’s best for their child’s needs.

**10. Employment First:** As an Employment First state, it is the policy of the state that earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working-age individuals with disabilities who receive public benefits. What steps can the State take to strengthen the goals of Employment First?

- “Employment First” is a U.S. Department of Labor priority characterized as “a framework for systems change that is centered on the premise that **all** citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life.”<sup>17</sup> Many people with disabilities severely participate in the workforce. Governor Abbott and Bob Kafka are just two examples of this.

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<sup>17</sup> <https://www.dol.gov/odep/topics/EmploymentFirst.htm>



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- As noted above, the state of Texas must continue to improve transportation options and career opportunities so that persons with disabilities can stay in their communities and contribute.
- The Texas Workforce Commission (TWC) can help individuals with disabilities locate vocational rehabilitation (VR) services needed to regain or retain employment.
- Greg Abbott supports payment of employees with disabilities consistent with the federally-mandated minimum wage. The 14(c) exemption to the Fair Labor Standards Act allows employers to pay workers with disabilities less than other workers, and is based on disgraceful and antiquated notions.

**11.Engagement:** A key slogan of the disability community is “nothing about us without us.” What do you think the disability community can do to more effectively engage decision makers and participate in the policy decisions that affect their lives?

- It is important for members of the disability community to maintain contact with their own individual legislative officials, especially members of the state Legislature.
- In particular, it is important to organize and participate in the legislative process. This includes identifying, tracking, and remaining engaged on legislation that is of interest to the community.

**12.Access to Services:** There are approximately 130,000 unduplicated Texans with disabilities waiting for services in their communities. These people are on waiting lists, which are also referred to as interest lists. Some people will wait as long as a decade or more to receive services. What steps would you take to reduce, at a reasonable pace, the number of people on the waiting lists for home and community services?

- Independent housing allows persons with disabilities to stay in their communities, where they can contribute and lead productive lives. Texas is one of 30 states to receive a federal “Money Follows the Person” (MFP) grant to help people move out of nursing homes/institutions.<sup>18</sup> The Department of Aging and Disability Services (DADS) provides that:

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<sup>18</sup> [http://www.dads.state.tx.us/providers/pi/mfp\\_demonstration/](http://www.dads.state.tx.us/providers/pi/mfp_demonstration/)



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- The MFP initiative helps people who are receiving long-term services and supports in a nursing facility return to the community to receive their services without having to be placed on a community services interest list.<sup>19</sup>
- Additionally, options to expand these opportunities for those who are blind in particular may include support for the Division for Blind Services Independent Living Program, which provides services to help Texans live independently with blindness. As Governor, Greg Abbott would hope to make this program available to as many individuals who could benefit from it as possible.<sup>20</sup> Greg Abbott also supports timely implementation of SB 7 (83R) and using Medicare dual program savings to eliminate the waiting list for home health and community health care services.

**13.SSLCs:** Approximately 3,100 Texans with disabilities reside in the state’s 13 State Supported Living Centers (SSLCs). While SSLC residents account for only 0.2% of Texas’ disability population, nearly 40% of the money used to fund services for people with disabilities goes to SSLCs. Would you support or oppose creating a plan to consolidate or close SSLCs and to use those funds to expand community integration for Texans with disabilities?

- Yes. We must focus on creating community support for those with disabilities. Community-based care offers more options for families, while also giving the recipients a choice. The waiting list for home and community-based services is tens of thousands of people long – the demand is there, and we have a responsibility to place individuals in the services that they choose and are right for them.

**14.Institutions:** While many people wait years to receive services in their community, there is no wait to enter an institution. This is sometimes referred to as institutional bias. Would you support creating a plan to eliminate the institutional bias in the provision of Long Term Services and Support (LTSS)? If so, how would you do so?

- “Right sizing” the State Supported Living Centers (SSLCs), by helping as many people as possible move to independent living, will help eliminate the institutional bias.
- Greg Abbott is supportive of home & community-based services (HCS) as well as Long Term Services and Support (LTSS). HCS in particular must be opened up to support more

<sup>19</sup> *Id.*

<sup>20</sup> [http://www.dars.state.tx.us/reports/annual2011/2011\\_annual.pdf](http://www.dars.state.tx.us/reports/annual2011/2011_annual.pdf)



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diagnoses, as many individuals who would opt for this service are excluded based on their diagnosis.

**15. Community Attendants:** The Texas Workforce Commission predicts a critical shortage of community attendants to provide services to Texans with disabilities who are living in their homes. What steps would you take to alleviate this shortage? Many people believe that the current base wage of \$8 per hour is a major reason for both the growing shortage of community attendants and the high turnover rate for these workers. What, if anything, would you do to help raise wages and benefits?

- Texas should strengthen recruiting efforts for community attendants. This may include raising the pay for state-reimbursed community attendants, and ensuring that health insurance is provided for such attendants.
- By right-sizing SSLCs, Texas can use the savings to help fund pay raises and increased benefits for community attendants. This would help increase the number of community attendants working in Texas, helping more Texans with disabilities live independently and achieve a fuller integration in society.

**16. Medicaid:** Do you support or oppose turning Medicaid into a system of block grants? If you support it, how would you implement such a program? If you oppose it, are there improvements you would support?

- Using block grants for Medicaid is an idea that Greg Abbott believes is worth exploring. This approach has the potential to give states greater flexibility in the administration of Medicaid and the provision of health services, which can help eliminate the institutional bias. However, the implementation of such a system would have to be enacted at the federal level, and is thus a matter for the U.S. President and Congress. At the same time, the Governor will ensure that block grants maintain or increase the state's available Medicaid funding. The Governor would ensure that a Texas block grant continues to prioritize services to the disabled.

**17. Pre-Existing Conditions:** If elected, would you support or oppose legislation prohibiting insurance companies conducting business in Texas from denying coverage to people with pre-existing conditions?



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- Under federal law, health insurance plans can't refuse to cover patients or charge more just because of a pre-existing health condition. As a result, additional state-level legislation is unnecessary.
- Market solutions existed pre-Obamacare and will exist afterwards. Furthermore, there are robust public options for coverage, including Medicare and Medicaid, as well as charitable care.
- Before the full implementation of Obamacare, Texas operated the Texas High Risk Pool as a health plan for people with pre-existing conditions that pre-dates the ACA. The high risk pool was maintained until March 31, 2014. Were Obamacare or its preexisting conditions requirement to be repealed, Texas could consider establishing another state high-risk pool or participate in a federal risk-pooling initiative.

**18. Technology & Equipment:** What steps should the State take to ensure that Texans with disabilities have access to, and are informed of, new innovations in assistive technology and durable medical equipment?

- Ensuring that Texans with disabilities have timely, accurate and usable information regarding new innovations will require better messaging from state agencies, including online communication.
  - The Texas Technology Access Program at the University of Texas at Austin is mission-focused on increasing access for people with disabilities to Assistive Technology that provides them more control over their immediate environments and an enhanced ability to function independently.
  - The Texas Assistive Technology Network (TATN) - consisting of representatives from each of the twenty Texas Education Services Centers, and the Texas Education Agency - works to ensure that students with disabilities receive assistive technology devices and services when needed to benefit from a free, appropriate public education.

**19. ADA:** If elected, would you support or oppose legislation that would waive sovereign immunity in cases involving violations of the Americans with Disabilities Act?

- Governor Abbott would not support such legislation. The Eleventh Amendment to the U.S. Constitution provides that the state is, generally speaking, immune from suit where waiver has not been expressly granted by the Legislature. A blanket waiver of this protection would be overly broad.



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**20. Cannabis:** Would you support or oppose expanding the legal use of medical cannabis in Texas to cover more medical conditions?

- In 2015 Governor Abbott signed the Texas Compassionate Use Act (S.B. 339, 84R) allowing licensed providers to sell low-THC cannabis to patients who have been diagnosed with intractable epilepsy.
- Governor Abbott supports current drug policy. Drug use affects every sector of society, straining our economy, our healthcare and criminal justice systems, and endangering the futures of young people.
- A critical flaw with the approach of treating marijuana as a medicine, as the National Institute on Drug Abuse notes, is that “[a]s the marijuana plant contains hundreds of chemical compounds that may have different effects and that vary from plant to plant, and because the plant is typically ingested via smoking, its use as a medicine is difficult to evaluate.” Medical marijuana is not approved by the FDA and is not a standardized or purified product that has obtained scientific approval.
- Additionally, in the states that have legalized medical marijuana, many users appear to have actually been using the substance for recreational, rather than medicinal, purposes. The Colorado Department of Public Health and Environment maintains statistics that indicate that, as of December 31, 2013, only 3% of users reported being treated for cancer, 2% for seizures, and 1% for HIV/AIDS; a full 94% reported the far more ambiguous “severe pain.”<sup>21</sup>



<sup>21</sup> <http://www.colorado.gov/cs/Satellite/CDPHE-CHEIS/CBON/1251593017044> Note that these percentages do not add to 100% as, per the Colorado Department, some patients report using medical marijuana for more than one debilitating medical condition