



Toll free
877-399-4867

www.vor.net

Executive Director
Julie M. Huso
836 S. Arlington Heights Rd, #351
Elk Grove Village, IL 60007
605-370-4652 Voice
605-271-0445 Fax
Jhuso@vor.net

Dir. of Govt. Relations & Advocacy
Tami Hopp
PO Box 1208
Rapid City, SD 57709
605-399-1624 Voice
605-399-1631 Fax
Thopp@vor.net

Washington, D.C.
Larry Innis
529 Bay Dale Court
Arnold, MD 21012-2312
410-757-1867 Voice/Fax
LarryInnis@aol.com

March 30, 2015

House Human Services Committee
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Re: SUPPORT for HB 967, Resident Protection Legislation

Dear Chairman Raymond, Vice Chair Rose, and Members of the House Human Services Committee,

Please accept this **written testimony in SUPPORT of HB 967 (Resident Protection Legislation)**, a bill for a pilot project to evaluate the use of radio frequency identification technology (RFID) to transmit information regarding residents of certain group homes.

I represent [VOR](http://www.vor.net), a national organization advocating for high quality care and human rights for all people with intellectual and developmental disabilities (I/DD).

Of keen interest to our organization are best practices and strategies to ensure high quality care in all service settings. HB 967, which proposes a pilot program for the use of RFID in Home and Community Settings (HCS) upon individual or guardian consent, will serve to ensure that individuals who willingly participate enjoy greater independence and protection.

Individuals with I/DD and autism, who by vast majority are served in small community settings, are at higher risk of wandering from their homes ("elopement") as compared to the general population, placing themselves at risk of traffic, exposure to the elements, personal injury, law enforcement encounters, drownings, and more.

According to the National Autism Society, 48% of children with an autism spectrum disorder attempt to elope from a safe environment, a rate of nearly four times higher than their nondisabled siblings; and more than one third of the children who wander are never or rarely able to communicate their name, address, or phone number ([Autism & Safety Facts](#), National Autism Association).

In Georgia, the number of incidents of adults with I/DD who were "unexpectedly absent from a community residential program or day program" was 293 in 2014 and 305 in 2013, the first full year such statistics were recorded. ([2013 and 2014 Annual Quality Management System Review Reports](#), Georgia Department of Behavioral Health and Developmental Disabilities).

In New York, the death of Avonte Oquendo, a teen with autism who drowned after wandering away from school, prompted the U.S. Department of Justice to provide tracking devices to law enforcement agencies to give to families and the introduction of a federal bill to address the issue:

- **Department of Justice:** "[Feds To Fund Tracking Devices For Kids With Autism](#)" (*Disability Scoop*, January 30, 2014): "The Justice Department will make funding available immediately to provide free electronic tracking devices for kids with autism who are at risk of wandering. U.S. Attorney General Eric Holder said Wednesday that his department has existing grant money that can be used for the technology."
- **Congress:** "[Autism Tracking Device Proposal Gets Renewed Push](#)" (*Disability Scoop*, January 20, 2015): "There is a fresh effort in Congress to secure \$10 million in federal funds to provide free tracking to individuals with ***autism and other disabilities who are at risk of wandering.***" (*Emphasis added*).

The federal Centers for Medicare and Medicaid Services (CMS) also recently acknowledged the increased risk of elopement among this population nationally and expressed preliminary support for tracking technology as a non-invasive means of balancing an individual's freedom of movement with safety.

- **CMS:** "Motion sensors should not be considered cameras." [["Advance Copy of Intermediate Care Facilities for Individuals with Intellectual Disabilities \(ICFs/IID\) State Operations Manual \(SOM\) Appendix J – Interpretive Guidelines \(IGs\)"](#) at page 18 (Tag W129)(January 16, 2015)].

VOR strongly urges this Committee to support the passage of HB 967. It is visionary legislation that allows willing participants and their families and guardians an added layer of security in HCS settings, while preserving individual right to choice and privacy.

Sincerely,



Tamie Hopp
VOR Director of Government Relations & Advocacy
thopp@vor.net
605-399-1624 direct
www.vor.net