

BILL ANALYSIS

C.S.H.B. 2451
By: Dukes
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Interagency Council on Early Childhood Intervention was established by the Texas Legislature in 1981. In 1987, the agency was designated the “lead agency” in the state for the purpose of implementing a statewide, comprehensive system of early intervention services for infants and toddlers with disabilities and their families in accordance with the federal Individuals with Disabilities Education Act (IDEA). Under IDEA, services must be available to all eligible children and their families. The Council contracts with local service providers who develop an Individualized Family Service Plan for each child and ensure the services required by the Plan are provided. Although IDEA permits a state to establish a fee system for certain early intervention services, Texas statute currently does not authorize the imposition of a fee system. CSHB 2451 requires that the Interagency Council on Early Childhood Intervention establish a system of payments for families of children receiving services, including a schedule of sliding fees.

RULEMAKING AUTHORITY

This bill expressly delegates rulemaking authority to the Interagency Council on Early Childhood Intervention in SECTION 1 (Section 73.0051, Human Resources Code) of the bill.

ANALYSIS

CSHB 2451 amends the Human Resources Code by requiring the Interagency Council on Early Childhood Intervention to establish a system of payments for families of children receiving services, including a schedule of sliding fees, in a manner consistent with the Code of Federal Regulations, title 34, Section 303.520, 303.12, 303.521 which assures that fees will not be charged for certain services that are required to be provided at no cost, and that the inability of the parents of an eligible child to pay for the services will not result in the denial of the services.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2451 varies from the original bill by eliminating language which requires the council by rule to:

- provide for compliance with the terms and provisions of applicable federal and state laws in the administration of programs and the delivery of services under this chapter;
- establish a program to monitor fiscal and program implementation; and
- establish appropriate sanctions for providers who fail to comply with statutory and regulatory fiscal and program requirements.