

By: Naishtat

H.B. No. 1322

Substitute the following for H.B. No. 1322:

By: Olivo

C.S.H.B. No. 1322

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Commission for the Deaf and Hard of Hearing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.001, Human Resources Code, is amended by adding Subdivision (4) to read as follows:

(4) "Deaf-blind" means:

(A) being legally blind and possessing a hearing impairment of such severity that a person cannot understand most speech even with the use of optimum amplification; or

(B) having a medical diagnosis of deteriorating hearing and vision expected to lead to the condition described by Paragraph (A).

SECTION 2. Sections 81.006(a) and (b), Human Resources Code, are amended to read as follows:

(a) The commission shall:

(1) develop and implement a statewide program of advocacy and education to ensure continuity of services to persons who are deaf, deaf-blind, or hard of hearing;

(2) provide direct services to persons who are deaf or hard of hearing, including communication access, information and referral services, advocacy services, services to elderly persons who are deaf or hard of hearing, and training in accessing basic life skills;

(3) work to ensure more effective coordination and

1 cooperation among public and nonprofit organizations providing
2 social and educational services to individuals who are deaf or hard
3 of hearing;

4 (4) maintain a registry of available qualified
5 interpreters for persons who are deaf or hard of hearing by updating
6 the registry at least quarterly and making the registry available
7 to interested persons at cost;

8 (5) establish a system to approve and provide courses
9 and workshops for the instruction and continuing education of
10 interpreters for persons who are deaf or hard of hearing;

11 (6) ~~[annually adopt by rule a schedule of fees,~~
12 ~~payable by the commission for interpreter services with graduated~~
13 ~~fee amounts, that:~~

14 ~~[(A) reflects the skill level of the interpreter,~~
15 ~~and~~

16 ~~[(B) applies only when the commission determines~~
17 ~~that there is not sufficient competition among interpreter services~~
18 ~~within a particular service region to provide interpreter services~~
19 ~~at a fair market price,~~

20 ~~[(7)]~~ assist institutions of higher education in
21 initiating training programs for interpreters and develop
22 guidelines for instruction to promote uniformity of signs taught
23 within those programs; ~~[and]~~

24 (7) ~~[(8)]~~ with the assistance of the Texas Higher
25 Education Coordinating Board ~~[Texas Education Agency]~~, develop
26 standards for evaluation of the programs described by Subdivision
27 (6); and

1 (8) develop guidelines to clarify the circumstances
2 under which interpreters certified by the commission are qualified
3 to interpret effectively, accurately, and impartially, both
4 receptively and expressively, using any necessary specialized
5 vocabulary [~~(7)~~].

6 (b) The commission may:

7 (1) appoint one or more advisory committees to consult
8 with and advise the commission;

9 (2) establish [~~charge~~] and collect training
10 [~~authorized~~] fees and accept gifts, grants, and donations of money,
11 personal property, or real property for use in expanding and
12 improving services to persons of this state who are deaf or hard of
13 hearing;

14 (3) adopt rules necessary to implement this chapter;

15 (4) contract with or provide grants to agencies,
16 organizations, or individuals as necessary to implement this
17 chapter;

18 (5) establish a reasonable fee and charge interpreters
19 [~~and collect a fee~~] for training [~~interpreters in a reasonable~~
20 ~~amount to be set by the commission~~] to defray the cost of conducting
21 the training;

22 (6) develop guidelines for trilingual interpreter
23 services; and

24 (7) provide training programs for persons who provide
25 trilingual interpreter services.

26 SECTION 3. Sections 81.007(a), (b), (d), (e), (f), (g), and
27 (i), Human Resources Code, are amended to read as follows:

1 (a) The commission may establish a program in accordance
2 with this section for the certification of interpreters who have
3 reached varying levels of proficiency in communication skills
4 necessary to facilitate communication between persons [~~communicate~~
5 ~~with individuals~~] who are deaf or hard of hearing and persons who
6 are not deaf or hard of hearing.

7 (b) The commission shall appoint an advisory [~~a~~] board of
8 seven persons to assist in administering [~~administer~~] the
9 interpreter certification program. A board member may not receive
10 compensation, but is entitled to reimbursement of the travel
11 expenses incurred by the member while conducting the business of
12 the board, as provided in the General Appropriations Act.

13 (d) A qualified board member may serve as an evaluator under
14 Subsection (c), and the commission shall compensate the board
15 member for services performed as an evaluator [~~The commission shall~~
16 ~~use the recommendations of the board in compiling a statewide~~
17 ~~registry of interpreters by skill level. The registry must, in~~
18 ~~addition to other pertinent information, include recommendations~~
19 ~~relating to the appropriate selection and utilization of~~
20 ~~interpreters for individuals who are deaf or hard of hearing. The~~
21 ~~registry must be made available to and recommended for adoption by~~
22 ~~state commissions, departments, and agencies].~~

23 (e) The commission shall charge fees for written and
24 performance examinations [~~an application for certification~~], for
25 annual certificate renewal [~~the administration of an examination~~],
26 and for recertification [~~the renewal of a certificate~~]. The fees
27 must be in an amount sufficient to recover the costs of the

1 certification program.

2 (f) The commission may waive any prerequisite to obtaining a
3 certificate for an applicant after reviewing the applicant's
4 credentials and determining that the applicant holds a certificate
5 issued by another jurisdiction that has certification requirements
6 substantially equivalent to those of this state. [~~The commission
7 may waive any prerequisite to obtaining a certificate for an
8 applicant who holds a certificate issued by another jurisdiction
9 with which this state has a reciprocity agreement. The commission
10 may make an agreement, subject to the approval of the governor, with
11 another state to allow for certification by reciprocity.~~]

12 (g) The commission by rule may adopt a system under which
13 certificates are valid for a five-year period, subject to the
14 certificate holder's payment of an annual certificate renewal fee.
15 After expiration of the five-year period, an interpreter must be
16 recertified by the commission. The commission may recertify an
17 interpreter who:

18 (1) receives specified continuing education credits;

19 or

20 (2) achieves an adequate score on a specified
21 examination [~~expire on various dates during the year. For the year
22 in which the certificate expiration date is changed, the commission
23 shall prorate certificate fees on a monthly basis so that each
24 certificate holder pays only that portion of the certificate fee
25 that is allocable to the number of months during which the
26 certificate is valid. On renewal of the certificate on the new
27 expiration date, the total certificate renewal fee is payable].~~

1 (i) The commission shall determine the frequency for
2 conducting [~~with which it will conduct~~] the interpreter
3 examinations. The commission shall conduct the interpreter
4 examinations:

5 (1) in Austin at the commission's office or in other
6 space owned or leased by the state that can be obtained free of
7 charge; or

8 (2) in other cities in this state in space that can be
9 obtained free of charge.

10 SECTION 4. Section 81.0072, Human Resources Code, is
11 amended to read as follows:

12 Sec. 81.0072. REVOCATION OR SUSPENSION OF CERTIFICATE. (a)
13 The commission, based on the recommendation of the Board for
14 Evaluation of Interpreters, may [~~shall~~] revoke or suspend a
15 certificate or [~~7~~] place a certificate holder on probation [~~a~~
16 ~~person whose certificate has been suspended, or reprimand an~~
17 ~~interpreter certified by the commission]~~ for a violation of a
18 statute, rule, or policy of the commission. If a certificate holder
19 is placed on probation [~~suspension is probated~~], the commission may
20 require the practitioner:

21 (1) to report regularly to the commission on matters
22 that are the basis of the probation;

23 (2) to limit practice to those areas prescribed by the
24 commission; or

25 (3) to continue or renew professional education until
26 a satisfactory degree of skill has been attained in those areas that
27 are the basis of the probation.

1 (b) If the commission proposes to suspend or revoke a
2 [~~person's~~] certificate or place a certificate holder on probation,
3 the certificate holder [~~person~~] is entitled to a hearing before the
4 commission or a hearings officer appointed by the commission. All
5 final decisions to suspend or revoke a certificate or place a
6 certificate holder on probation shall be made by the commission.

7 SECTION 5. Section 81.013, Human Resources Code, is amended
8 to read as follows:

9 Sec. 81.013. PRIVATE OUTDOOR TRAINING PROGRAMS FOR CHILDREN
10 [~~STUDENTS~~] WHO ARE DEAF OR HARD OF HEARING. (a) The commission may
11 contract with private entities to provide for the participation
12 [~~attendance~~] of children [~~students~~] who are deaf or hard of hearing
13 at outdoor recreational programs operated for the purpose of
14 providing skill training and recreational experiences for children
15 who are deaf or hard of hearing. Outdoor training programs under
16 this section may also provide for participation by the parents of
17 [~~or for~~] children who are deaf or hard of hearing [~~and their~~
18 ~~parents~~].

19 (b) In selecting children [~~students~~] to attend programs
20 under this section, the commission shall select qualified children
21 from across the state [~~students from each regional day school~~
22 ~~program for the deaf, students from the Texas School for the Deaf,~~
23 ~~and other children who are deaf or hard of hearing]~~ that the
24 commission thinks will benefit from the program.

25 (c) The commission may request criminal history record
26 information on any person who applies for a staff position in an
27 outdoor training program from the Department of Public Safety in

1 accordance with Section 411.1131, Government Code.

2 SECTION 6. Section 81.014(b), Human Resources Code, is
3 amended to read as follows:

4 (b) The commission shall adopt rules establishing methods
5 by which consumers and service recipients can be notified of the
6 name, mailing address, and telephone number of the commission for
7 the purpose of directing complaints to the commission. The
8 commission may provide for such notification through inclusion of
9 the information:

10 (1) on each registration form, application, or written
11 contract for services of a person or entity regulated or authorized
12 by this chapter;

13 (2) on a sign that is prominently displayed in the
14 place of business of each person or entity regulated or authorized
15 by this chapter; or

16 (3) on [~~in~~] a bill for service provided by a person or
17 entity regulated or authorized by this chapter.

18 SECTION 7. Section 81.015, Human Resources Code, is amended
19 by adding Subsection (c) to read as follows:

20 (c) The commission may advertise to promote awareness and
21 use of the programs, services, and activities conducted by the
22 commission. The commission may not use money derived from state tax
23 revenue to pay for advertisements under this subsection.

24 SECTION 8. Sections 81.016(a) and (d), Human Resources
25 Code, are amended to read as follows:

26 (a) Before the commission contracts with or provides [~~a~~]
27 grant funding to an agency, organization, or individual to provide

1 direct services to persons who are deaf or hard of hearing, the
2 commission shall make reasonable efforts to notify all potential
3 service providers of the availability and purpose of the contract
4 or grant.

5 (d) To ensure an equitable distribution of contract or grant
6 funds, the commission shall develop a formula, based on population
7 and region, to allocate those funds among the agencies,
8 organizations, or individuals that are awarded the contracts or
9 grants.

10 SECTION 9. Section 81.017(a), Human Resources Code, is
11 amended to read as follows:

12 (a) The commission and each of the following agencies shall
13 adopt a memorandum of understanding to coordinate the delivery of
14 services to persons who are deaf or hard of hearing and to reduce
15 duplication of services:

- 16 (1) the Texas Department of Human Services;
- 17 (2) the Texas Department of Mental Health and Mental
18 Retardation;
- 19 (3) the Texas Workforce Commission;
- 20 (4) the Texas Department of Health;
- 21 (5) the Texas Higher Education Coordinating Board;
- 22 (6) the Texas Education Agency;
- 23 (7) the Texas Department on Aging;
- 24 (8) the Texas School for the Deaf;
- 25 (9) the Texas Rehabilitation Commission;
- 26 (10) the institutional division of the Texas
27 Department of Criminal Justice; and

1 (11) any other state agency that provides or is
2 required by law to provide [~~involved in providing~~] services to
3 persons who are deaf or hard of hearing.

4 SECTION 10. Section 81.019, Human Resources Code, is
5 amended to read as follows:

6 Sec. 81.019. SYMBOLS OR OTHER FORMS OF IDENTIFICATION FOR
7 HEARING IMPAIRED PERSONS. (a) The commission shall design and
8 provide for the issuance of a symbol or other form of identification
9 [~~device~~] that may be attached to a motor vehicle regularly operated
10 by a person who is deaf or hard of hearing.

11 (b) A person who is deaf or hard of hearing may apply to the
12 commission for the symbol or other form of identification [~~device~~].
13 The commission may require acceptable medical proof that a person
14 is deaf or hard of hearing and may set a fee for each symbol or other
15 form of identification [~~device~~] to defray the costs of
16 administering this section.

17 (c) The commission may contract with a state or local agency
18 for the distribution of the symbol or other form of identification
19 [~~device~~].

20 SECTION 11. If the Act of the 78th Legislature, Regular
21 Session, 2003, relating to nonsubstantive additions to and
22 corrections in enacted codes takes effect, Chapter 81, Human
23 Resources Code, is amended by adding Section 81.021 to read as
24 follows:

25 Sec. 81.021. SPECIALIZED LICENSE PLATE PROGRAM. The
26 commission shall develop rules and guidelines for the use of funds
27 collected from the sale of specialized license plates under Section

1 502.2722, Transportation Code, and appropriated to the commission
2 in accordance with that section for direct services programs,
3 training, and education.

4 SECTION 12. If the Act of the 78th Legislature, Regular
5 Session, 2003, relating to nonsubstantive additions to and
6 corrections in enacted codes does not take effect, Chapter 81,
7 Human Resources Code, is amended by adding Section 81.021 to read as
8 follows:

9 Sec. 81.021. SPECIALIZED LICENSE PLATE PROGRAM. The
10 commission shall develop rules and guidelines for the use of funds
11 collected from the sale of specialized licence plates under Section
12 502.2735, Transportation Code, as added by Chapter 621, Acts of the
13 77th Legislature, Regular Session, 2001, and appropriated to the
14 commission in accordance with that section for direct services
15 programs, training, and education.

16 SECTION 13. Subchapter F, Chapter 411, Government Code, is
17 amended by adding Section 411.1131 to read as follows:

18 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: TEXAS COMMISSION FOR THE DEAF AND HARD OF HEARING. (a)
20 The Texas Commission for the Deaf and Hard of Hearing is entitled to
21 obtain from the department criminal history record information
22 maintained by the department that relates to a person who is an
23 applicant for a staff position at an outdoor training program for
24 children who are deaf or hard of hearing conducted by a private
25 entity through a contract with the commission in accordance with
26 Section 81.013, Human Resources Code.

27 (b) Criminal history record information obtained by the

1 Texas Commission for the Deaf and Hard of Hearing under Subsection
2 (a) may be used only to evaluate an applicant for a staff position
3 at an outdoor training program for children who are deaf or hard of
4 hearing. The Texas Commission for the Deaf and Hard of Hearing may
5 release or disclose the information to a private entity described
6 by Subsection (a) for that purpose.

7 (c) The Texas Commission for the Deaf and Hard of Hearing
8 may not release or disclose information obtained under Subsection
9 (a) except on court order and shall destroy all criminal history
10 record information obtained under Subsection (a) after the
11 information is used for its authorized purpose.

12 SECTION 14. Sections 81.006(c) and 81.0071(b), Human
13 Resources Code, are repealed.

14 SECTION 15. This Act takes effect immediately if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for immediate
18 effect, this Act takes effect September 1, 2003.