

1-1 By: Naishtat (Senate Sponsor - Shapleigh) H.B. No. 1322
1-2 (In the Senate - Received from the House April 14, 2003;
1-3 April 15, 2003, read first time and referred to Committee on Health
1-4 and Human Services; April 29, 2003, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; April 29, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the Texas Commission for the Deaf and Hard of Hearing.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 81.001, Human Resources Code, is amended
1-11 by adding Subdivision (4) to read as follows:

1-12 (4) "Deaf-blind" means:

1-13 (A) being legally blind and possessing a hearing
1-14 impairment of such severity that a person cannot understand most
1-15 speech even with the use of optimum amplification; or

1-16 (B) having a medical diagnosis of deteriorating
1-17 hearing and vision expected to lead to the condition described by
1-18 Paragraph (A).

1-19 SECTION 2. Sections 81.006(a) and (b), Human Resources
1-20 Code, are amended to read as follows:

1-21 (a) The commission shall:

1-22 (1) develop and implement a statewide program of
1-23 advocacy and education to ensure continuity of services to persons
1-24 who are deaf, deaf-blind, or hard of hearing;

1-25 (2) provide direct services to persons who are deaf or
1-26 hard of hearing, including communication access, information and
1-27 referral services, advocacy services, services to elderly persons
1-28 who are deaf or hard of hearing, and training in accessing basic
1-29 life skills;

1-30 (3) work to ensure more effective coordination and
1-31 cooperation among public and nonprofit organizations providing
1-32 social and educational services to individuals who are deaf or hard
1-33 of hearing;

1-34 (4) maintain a registry of available qualified
1-35 interpreters for persons who are deaf or hard of hearing by updating
1-36 the registry at least quarterly and making the registry available
1-37 to interested persons at cost;

1-38 (5) establish a system to approve and provide courses
1-39 and workshops for the instruction and continuing education of
1-40 interpreters for persons who are deaf or hard of hearing;

1-41 (6) ~~annually adopt by rule a schedule of fees,~~
1-42 ~~payable by the commission for interpreter services with graduated~~
1-43 ~~fee amounts, that:~~

1-44 ~~[(A) reflects the skill level of the interpreter,~~
1-45 ~~and~~

1-46 ~~[(B) applies only when the commission determines~~
1-47 ~~that there is not sufficient competition among interpreter services~~
1-48 ~~within a particular service region to provide interpreter services~~
1-49 ~~at a fair market price,~~

1-50 ~~[(7)]~~ assist institutions of higher education in
1-51 initiating training programs for interpreters and develop
1-52 guidelines for instruction to promote uniformity of signs taught
1-53 within those programs; ~~and]~~

1-54 (7) ~~[(8)]~~ with the assistance of the Texas Higher
1-55 Education Coordinating Board ~~[Texas Education Agency]~~, develop
1-56 standards for evaluation of the programs described by Subdivision
1-57 (6); and

1-58 (8) develop guidelines to clarify the circumstances
1-59 under which interpreters certified by the commission are qualified
1-60 to interpret effectively, accurately, and impartially, both
1-61 receptively and expressively, using any necessary specialized
1-62 vocabulary ~~[(7)].~~

1-63 (b) The commission may:

1-64 (1) appoint one or more advisory committees to consult

2-1 with and advise the commission;

2-2 (2) establish [charge] and collect training
 2-3 [authorized] fees and accept gifts, grants, and donations of money,
 2-4 personal property, or real property for use in expanding and
 2-5 improving services to persons of this state who are deaf or hard of
 2-6 hearing;

2-7 (3) adopt rules necessary to implement this chapter;

2-8 (4) contract with or provide grants to agencies,
 2-9 organizations, or individuals as necessary to implement this
 2-10 chapter;

2-11 (5) establish a reasonable fee and charge interpreters
 2-12 [and collect a fee] for training [interpreters in a reasonable
 2-13 amount to be set by the commission] to defray the cost of conducting
 2-14 the training;

2-15 (6) develop guidelines for trilingual interpreter
 2-16 services; and

2-17 (7) provide training programs for persons who provide
 2-18 trilingual interpreter services.

2-19 SECTION 3. Sections 81.007(a), (b), (d), (e), (f), (g), and
 2-20 (i), Human Resources Code, are amended to read as follows:

2-21 (a) The commission may establish a program in accordance
 2-22 with this section for the certification of interpreters who have
 2-23 reached varying levels of proficiency in communication skills
 2-24 necessary to facilitate communication between persons [communicate
 2-25 with individuals] who are deaf or hard of hearing and persons who
 2-26 are not deaf or hard of hearing.

2-27 (b) The commission shall appoint an advisory [a] board of
 2-28 seven persons to assist in administering [administer] the
 2-29 interpreter certification program. A board member may not receive
 2-30 compensation, but is entitled to reimbursement of the travel
 2-31 expenses incurred by the member while conducting the business of
 2-32 the board, as provided in the General Appropriations Act.

2-33 (d) A qualified board member may serve as an evaluator under
 2-34 Subsection (c), and the commission shall compensate the board
 2-35 member for services performed as an evaluator [The commission shall
 2-36 use the recommendations of the board in compiling a statewide
 2-37 registry of interpreters by skill level. The registry must, in
 2-38 addition to other pertinent information, include recommendations
 2-39 relating to the appropriate selection and utilization of
 2-40 interpreters for individuals who are deaf or hard of hearing. The
 2-41 registry must be made available to and recommended for adoption by
 2-42 state commissions, departments, and agencies].

2-43 (e) The commission shall charge fees for written and
 2-44 performance examinations [an application for certification], for
 2-45 annual certificate renewal [the administration of an examination],
 2-46 and for recertification [the renewal of a certificate]. The fees
 2-47 must be in an amount sufficient to recover the costs of the
 2-48 certification program.

2-49 (f) The commission may waive any prerequisite to obtaining a
 2-50 certificate for an applicant after reviewing the applicant's
 2-51 credentials and determining that the applicant holds a certificate
 2-52 issued by another jurisdiction that has certification requirements
 2-53 substantially equivalent to those of this state. [The commission
 2-54 may waive any prerequisite to obtaining a certificate for an
 2-55 applicant who holds a certificate issued by another jurisdiction
 2-56 with which this state has a reciprocity agreement. The commission
 2-57 may make an agreement, subject to the approval of the governor, with
 2-58 another state to allow for certification by reciprocity.]

2-59 (g) The commission by rule may adopt a system under which
 2-60 certificates are valid for a five-year period, subject to the
 2-61 certificate holder's payment of an annual certificate renewal fee.
 2-62 After expiration of the five-year period, an interpreter must be
 2-63 recertified by the commission. The commission may recertify an
 2-64 interpreter who:

2-65 (1) receives specified continuing education credits;

2-66 or

2-67 (2) achieves an adequate score on a specified
 2-68 examination [expire on various dates during the year. For the year
 2-69 in which the certificate expiration date is changed, the commission

3-1 ~~shall prorate certificate fees on a monthly basis so that each~~
 3-2 ~~certificate holder pays only that portion of the certificate fee~~
 3-3 ~~that is allocable to the number of months during which the~~
 3-4 ~~certificate is valid. On renewal of the certificate on the new~~
 3-5 ~~expiration date, the total certificate renewal fee is payable].~~

3-6 (i) The commission shall determine the frequency for
 3-7 conducting ~~[with which it will conduct]~~ the interpreter
 3-8 examinations. The commission shall conduct the interpreter
 3-9 examinations:

3-10 (1) in Austin at the commission's office or in other
 3-11 space owned or leased by the state that can be obtained free of
 3-12 charge; or

3-13 (2) in other cities in this state in space that can be
 3-14 obtained free of charge.

3-15 SECTION 4. Section 81.0072, Human Resources Code, is
 3-16 amended to read as follows:

3-17 Sec. 81.0072. REVOCATION OR SUSPENSION OF CERTIFICATE. (a)
 3-18 The commission, based on the recommendation of the Board for
 3-19 Evaluation of Interpreters, may ~~[shall]~~ revoke or suspend a
 3-20 certificate or [] place a certificate holder on probation ~~[a~~
 3-21 ~~person whose certificate has been suspended, or reprimand an~~
 3-22 ~~interpreter certified by the commission]~~ for a violation of a
 3-23 statute, rule, or policy of the commission. If a certificate holder
 3-24 is placed on probation ~~[suspension is probated]~~, the commission may
 3-25 require the practitioner:

3-26 (1) to report regularly to the commission on matters
 3-27 that are the basis of the probation;

3-28 (2) to limit practice to those areas prescribed by the
 3-29 commission; or

3-30 (3) to continue or renew professional education until
 3-31 a satisfactory degree of skill has been attained in those areas that
 3-32 are the basis of the probation.

3-33 (b) If the commission proposes to suspend or revoke a
 3-34 ~~[person's]~~ certificate or place a certificate holder on probation,
 3-35 the certificate holder ~~[person]~~ is entitled to a hearing before the
 3-36 commission or a hearings officer appointed by the commission. All
 3-37 final decisions to suspend or revoke a certificate or place a
 3-38 certificate holder on probation shall be made by the commission.

3-39 SECTION 5. Section 81.013, Human Resources Code, is amended
 3-40 to read as follows:

3-41 Sec. 81.013. PRIVATE OUTDOOR TRAINING PROGRAMS FOR CHILDREN
 3-42 ~~[STUDENTS]~~ WHO ARE DEAF OR HARD OF HEARING. (a) The commission may
 3-43 contract with private entities to provide for the participation
 3-44 ~~[attendance]~~ of children ~~[students]~~ who are deaf or hard of hearing
 3-45 at outdoor recreational programs operated for the purpose of
 3-46 providing skill training and recreational experiences for children
 3-47 who are deaf or hard of hearing. Outdoor training programs under
 3-48 this section may also provide for participation by the parents of
 3-49 ~~[or for]~~ children who are deaf or hard of hearing ~~[and their~~
 3-50 ~~parents]~~.

3-51 (b) In selecting children ~~[students]~~ to attend programs
 3-52 under this section, the commission shall select qualified children
 3-53 from across the state ~~[students from each regional day school~~
 3-54 ~~program for the deaf, students from the Texas School for the Deaf,~~
 3-55 ~~and other children who are deaf or hard of hearing]~~ that the
 3-56 commission thinks will benefit from the program.

3-57 (c) The commission may request criminal history record
 3-58 information on any person who applies for a staff position in an
 3-59 outdoor training program from the Department of Public Safety in
 3-60 accordance with Section 411.1131, Government Code.

3-61 SECTION 6. Section 81.014(b), Human Resources Code, is
 3-62 amended to read as follows:

3-63 (b) The commission shall adopt rules establishing methods
 3-64 by which consumers and service recipients can be notified of the
 3-65 name, mailing address, and telephone number of the commission for
 3-66 the purpose of directing complaints to the commission. The
 3-67 commission may provide for such notification through inclusion of
 3-68 the information:

3-69 (1) on each registration form, application, or written

4-1 contract for services of a person or entity regulated or authorized
4-2 by this chapter;

4-3 (2) on a sign that is prominently displayed in the
4-4 place of business of each person or entity regulated or authorized
4-5 by this chapter; or

4-6 (3) on ~~in~~ a bill for service provided by a person or
4-7 entity regulated or authorized by this chapter.

4-8 SECTION 7. Section 81.015, Human Resources Code, is amended
4-9 by adding Subsection (c) to read as follows:

4-10 (c) The commission may advertise to promote awareness and
4-11 use of the programs, services, and activities conducted by the
4-12 commission. The commission may not use money derived from state tax
4-13 revenue to pay for advertisements under this subsection.

4-14 SECTION 8. Sections 81.016(a) and (d), Human Resources
4-15 Code, are amended to read as follows:

4-16 (a) Before the commission contracts with or provides ~~a~~
4-17 grant funding to an agency, organization, or individual to provide
4-18 direct services to persons who are deaf or hard of hearing, the
4-19 commission shall make reasonable efforts to notify all potential
4-20 service providers of the availability and purpose of the contract
4-21 or grant.

4-22 (d) To ensure an equitable distribution of contract or grant
4-23 funds, the commission shall develop a formula, based on population
4-24 and region, to allocate those funds among the agencies,
4-25 organizations, or individuals that are awarded the contracts or
4-26 grants.

4-27 SECTION 9. Section 81.017(a), Human Resources Code, is
4-28 amended to read as follows:

4-29 (a) The commission and each of the following agencies shall
4-30 adopt a memorandum of understanding to coordinate the delivery of
4-31 services to persons who are deaf or hard of hearing and to reduce
4-32 duplication of services:

- 4-33 (1) the Texas Department of Human Services;
4-34 (2) the Texas Department of Mental Health and Mental
4-35 Retardation;
4-36 (3) the Texas Workforce Commission;
4-37 (4) the Texas Department of Health;
4-38 (5) the Texas Higher Education Coordinating Board;
4-39 (6) the Texas Education Agency;
4-40 (7) the Texas Department on Aging;
4-41 (8) the Texas School for the Deaf;
4-42 (9) the Texas Rehabilitation Commission;
4-43 (10) the institutional division of the Texas
4-44 Department of Criminal Justice; and

4-45 (11) any other state agency that provides or is
4-46 required by law to provide ~~[involved in providing]~~ services to
4-47 persons who are deaf or hard of hearing.

4-48 SECTION 10. Section 81.019, Human Resources Code, is
4-49 amended to read as follows:

4-50 Sec. 81.019. SYMBOLS OR OTHER FORMS OF IDENTIFICATION FOR
4-51 HEARING IMPAIRED PERSONS. (a) The commission shall design and
4-52 provide for the issuance of a symbol or other form of identification
4-53 ~~[device]~~ that may be attached to a motor vehicle regularly operated
4-54 by a person who is deaf or hard of hearing.

4-55 (b) A person who is deaf or hard of hearing may apply to the
4-56 commission for the symbol or other form of identification ~~[device]~~.
4-57 The commission may require acceptable medical proof that a person
4-58 is deaf or hard of hearing and may set a fee for each symbol or other
4-59 form of identification ~~[device]~~ to defray the costs of
4-60 administering this section.

4-61 (c) The commission may contract with a state or local agency
4-62 for the distribution of the symbol or other form of identification
4-63 ~~[device]~~.

4-64 SECTION 11. If the Act of the 78th Legislature, Regular
4-65 Session, 2003, relating to nonsubstantive additions to and
4-66 corrections in enacted codes takes effect, Chapter 81, Human
4-67 Resources Code, is amended by adding Section 81.021 to read as
4-68 follows:

4-69 Sec. 81.021. SPECIALIZED LICENSE PLATE PROGRAM. The

5-1 commission shall develop rules and guidelines for the use of funds
5-2 collected from the sale of specialized license plates under Section
5-3 502.2722, Transportation Code, and appropriated to the commission
5-4 in accordance with that section for direct services programs,
5-5 training, and education.

5-6 SECTION 12. If the Act of the 78th Legislature, Regular
5-7 Session, 2003, relating to nonsubstantive additions to and
5-8 corrections in enacted codes does not take effect, Chapter 81,
5-9 Human Resources Code, is amended by adding Section 81.021 to read as
5-10 follows:

5-11 Sec. 81.021. SPECIALIZED LICENSE PLATE PROGRAM. The
5-12 commission shall develop rules and guidelines for the use of funds
5-13 collected from the sale of specialized license plates under Section
5-14 502.2735, Transportation Code, as added by Chapter 621, Acts of the
5-15 77th Legislature, Regular Session, 2001, and appropriated to the
5-16 commission in accordance with that section for direct services
5-17 programs, training, and education.

5-18 SECTION 13. Subchapter F, Chapter 411, Government Code, is
5-19 amended by adding Section 411.1131 to read as follows:

5-20 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD
5-21 INFORMATION: TEXAS COMMISSION FOR THE DEAF AND HARD OF HEARING. (a)
5-22 The Texas Commission for the Deaf and Hard of Hearing is entitled to
5-23 obtain from the department criminal history record information
5-24 maintained by the department that relates to a person who is an
5-25 applicant for a staff position at an outdoor training program for
5-26 children who are deaf or hard of hearing conducted by a private
5-27 entity through a contract with the commission in accordance with
5-28 Section 81.013, Human Resources Code.

5-29 (b) Criminal history record information obtained by the
5-30 Texas Commission for the Deaf and Hard of Hearing under Subsection
5-31 (a) may be used only to evaluate an applicant for a staff position
5-32 at an outdoor training program for children who are deaf or hard of
5-33 hearing. The Texas Commission for the Deaf and Hard of Hearing may
5-34 release or disclose the information to a private entity described
5-35 by Subsection (a) for that purpose.

5-36 (c) The Texas Commission for the Deaf and Hard of Hearing
5-37 may not release or disclose information obtained under Subsection
5-38 (a) except on court order and shall destroy all criminal history
5-39 record information obtained under Subsection (a) after the
5-40 information is used for its authorized purpose.

5-41 SECTION 14. Sections 81.006(c) and 81.0071(b), Human
5-42 Resources Code, are repealed.

5-43 SECTION 15. This Act takes effect immediately if it
5-44 receives a vote of two-thirds of all the members elected to each
5-45 house, as provided by Section 39, Article III, Texas Constitution.
5-46 If this Act does not receive the vote necessary for immediate
5-47 effect, this Act takes effect September 1, 2003.

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