

AN ACT

relating to enhancing the health and human services integrated eligibility and benefits determination system to meet the needs of persons in this state.

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

SECTION 1. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.019 to read as follows:

Sec. 531.019. SERVICES PROVIDED BY CONTRACTOR TO PERSONS WITH LIMITED ENGLISH PROFICIENCY. (a) Each contract with the commission or a health and human services agency that requires the provision of call center services or written communications related to call center services must include performance standards that measure the effectiveness, promptness, and accuracy of the contractor's oral and written communications with persons with limited English proficiency. Each person who seeks to enter into a contract described by this subsection shall include in the bid or other applicable expression of interest for the contract a proposal for providing call center services or written communications related to call center services to persons with limited English proficiency.

(b) The proposal required under Subsection (a) must include a language access plan that describes how the contractor will achieve any performance standards described in the request for bids, proposals, or other applicable expressions of interest. The

1 plan must also describe how the contractor will:

2 (1) identify persons who need language assistance;

3 (2) provide language assistance measures, including  
4 the translation of forms into languages other than English and the  
5 provision of translators and interpreters;

6 (3) inform persons with limited English proficiency of  
7 the language services available to them and how to obtain them;

8 (4) develop and implement qualifications for  
9 bilingual staff; and

10 (5) monitor compliance with the language access plan.

11 (c) In determining which bid or other applicable expression  
12 of interest offers the best value, the commission or a health and  
13 human services agency, as applicable, shall evaluate the extent to  
14 which the proposal for providing call center services or written  
15 communications related to call center services in languages other  
16 than English will provide meaningful access to the services for  
17 persons with limited English proficiency.

18 (d) In determining the extent to which a proposal will  
19 provide meaningful access under Subsection (c), the agency shall  
20 consider:

21 (1) the language access plan developed under  
22 Subsection (b);

23 (2) the number or proportion of persons with limited  
24 English proficiency in the agency's eligible service population;

25 (3) the frequency with which persons with limited  
26 English proficiency seek information regarding the agency's  
27 programs;

1           (4) the importance of the services provided by the  
2 agency's programs; and

3           (5) the resources available to the agency.

4           (e) The agency must avoid selecting a contractor that the  
5 agency reasonably believes will:

6           (1) provide information in languages other than  
7 English that is limited in scope;

8           (2) unreasonably delay the provision of information in  
9 languages other than English; or

10           (3) provide program information, including forms,  
11 notices, and correspondence, in English only.

12           (f) This section does not apply to 2-1-1 services provided  
13 by the Texas Information and Referral Network.

14           SECTION 2. Chapter 531, Government Code, is amended by  
15 adding Subchapter M to read as follows:

16           SUBCHAPTER M. MONITORING AND ENHANCEMENT OF HEALTH AND HUMAN

17                   SERVICES INFORMATION TECHNOLOGY SYSTEMS

18           Sec. 531.451. DEFINITIONS. In this subchapter:

19           (1) "Committee" means the health and human services  
20 eligibility system legislative oversight committee.

21           (2) "Eligibility system" means the following  
22 information technology and data processing systems used in the  
23 delivery of health and human services benefit programs:

24                   (A) the Texas Integrated Eligibility Redesign  
25 System (TIERS);

26                   (B) the System of Application, Verification,  
27 Eligibility, Referral, and Reporting (SAVERR);

1           (C) integration processes and practices that  
2 facilitate interactions between the systems described by  
3 Paragraphs (A) and (B) and allow for the exchange of information  
4 between those systems; and

5           (D) delivery processes and practices that  
6 directly leverage the systems described by Paragraphs (A) and (B)  
7 and interact with applicants for and recipients of health and human  
8 services program benefits.

9           (3) "Enhanced eligibility system" means the  
10 eligibility system as modified to meet the goals described in  
11 Section 531.452 in accordance with the transition plan developed  
12 under Section 531.453.

13           (4) "Quality assurance team" means the quality  
14 assurance team created under Section 2054.158.

15           Sec. 531.452. GOALS FOR ENHANCED ELIGIBILITY SYSTEM. The  
16 enhanced eligibility system implemented under this subchapter must  
17 be designed to achieve the following goals with respect to health  
18 and human services programs in this state:

19           (1) increase the quality of and client access to  
20 services provided through the programs;

21           (2) implement more efficient business processes that  
22 will reduce processing times for applications for program benefits  
23 and reduce staff workloads;

24           (3) implement simplified application and enrollment  
25 processes for the programs in a manner that is consistent with  
26 program goals established by the legislature;

27           (4) enhance the integrity of and reduce fraud in the

1 programs; and

2 (5) ensure compliance with applicable federal law,  
3 including rules.

4 Sec. 531.453. ELIGIBILITY SYSTEM TRANSITION PLAN. (a) The  
5 commission shall develop a transition plan under which the  
6 eligibility system in existence on September 1, 2007, is  
7 transformed and enhanced to be more fully functional relative to  
8 the needs of eligible Texas residents and to meet the goals  
9 described in Section 531.452 not later than January 1, 2009. The  
10 commission shall include a timetable in the transition plan for  
11 meeting specific goals with respect to achieving that  
12 transformation.

13 (b) The transition plan must:

14 (1) include a description of the commission's  
15 responsibilities with respect to and role in making the transition  
16 from the eligibility system in existence on September 1, 2007, to  
17 the enhanced eligibility system;

18 (2) specify the responsibilities and roles of persons  
19 with whom the commission contracted before October 1, 2007, in  
20 making that transition and implementing the enhanced eligibility  
21 system;

22 (3) specify the responsibilities and roles of persons  
23 with whom the commission contracts on or after October 1, 2007, in  
24 making that transition and implementing the enhanced eligibility  
25 system; and

26 (4) specify the steps the commission will take to  
27 achieve the goals of the enhanced eligibility system as described

1 in Section 531.452.

2 (c) The commission shall make the transition plan available  
3 to the public at a public hearing conducted by the committee not  
4 later than October 15, 2007.

5 Sec. 531.454. ELIGIBILITY SYSTEM REVIEW DURING TRANSITION  
6 PERIOD. (a) The state auditor's office shall establish, in  
7 consultation with the Department of Information Resources, an  
8 independent validation and verification program for the  
9 eligibility system during the period of the transition plan  
10 developed under Section 531.453. The state auditor's office shall  
11 also coordinate and consult with the commission, including the  
12 commission's office of inspector general, in establishing the  
13 program.

14 (b) The independent validation and verification program  
15 must allow for a determination of:

16 (1) whether the goals set by the commission in the  
17 transition plan are being met in accordance with the timetable  
18 required by Section 531.453(a);

19 (2) whether the eligibility system is progressing  
20 toward becoming fully functional relative to the needs of eligible  
21 Texas residents;

22 (3) what actions are necessary to achieve full  
23 functionality of the eligibility system;

24 (4) whether the commission is making progress toward  
25 meeting the goals of the enhanced eligibility system described in  
26 Section 531.452; and

27 (5) what additional actions are necessary to achieve

1 the goals of the enhanced eligibility system.

2 (c) The state auditor's office shall present the proposed  
3 independent validation and verification program to the committee  
4 and seek the committee's recommendations for modifications to the  
5 proposed program. The state auditor's office shall consider the  
6 committee's recommendations and modify the proposed program as  
7 necessary.

8 (d) The state auditor's office may:

9 (1) enter into a contract with a person to perform the  
10 duties required of the office under Subsection (a), subject to the  
11 requirements of Subsection (c); and

12 (2) enter into a contract with a person to implement  
13 the independent validation and verification program, or may  
14 implement the program using a contractor with which the commission  
15 contracts as provided by Subsection (e).

16 (e) The commission may enter into a contract with a person  
17 before September 1, 2007, to operate an independent validation and  
18 verification program for the eligibility system.

19 (f) The quality assurance team shall establish a schedule  
20 for periodic monitoring of the eligibility system during the period  
21 of the transition plan developed under Section 531.453.

22 (g) The state auditor's office and the quality assurance  
23 team shall share information as necessary to fulfill their  
24 respective duties under this section.

25 Sec. 531.455. ENHANCED ELIGIBILITY SYSTEM AS MAJOR  
26 INFORMATION RESOURCES PROJECT. The commission shall identify the  
27 enhanced eligibility system as a major information resources

1 project, as defined by Section 2054.003(10), in the commission's  
2 biennial operating plan.

3 Sec. 531.456. HEALTH AND HUMAN SERVICES ELIGIBILITY SYSTEM  
4 LEGISLATIVE OVERSIGHT COMMITTEE. (a) The health and human  
5 services eligibility system legislative oversight committee is  
6 created to support the commission's implementation of the enhanced  
7 eligibility system in a manner that maximizes the positive effects  
8 of that implementation on the delivery of health and human services  
9 in this state.

10 (b) The committee is composed of seven members, as follows:

11 (1) the presiding officer of the Senate Health and  
12 Human Services Committee, or its successor;

13 (2) the presiding officer of the House Human Services  
14 Committee, or its successor;

15 (3) two members of the senate, appointed by the  
16 lieutenant governor;

17 (4) two members of the house of representatives,  
18 appointed by the speaker of the house of representatives; and

19 (5) one additional member, appointed by the governor.

20 (c) The executive commissioner serves as an ex officio  
21 member of the committee.

22 (d) A member of the committee appointed under Subsection  
23 (b)(3), (4), or (5) serves at the will of the appointing official.

24 (e) The lieutenant governor shall designate one committee  
25 member to serve as a joint presiding officer of the committee, and  
26 the speaker of the house of representatives shall designate another  
27 committee member to serve as the other joint presiding officer.



1       (f) The committee meets at the call of a joint presiding  
2 officer.

3       (g) A committee member may not receive compensation for  
4 serving on the committee, but is entitled to reimbursement for  
5 expenses incurred by the member while conducting the business of  
6 the committee as provided by the General Appropriations Act.

7       Sec. 531.457. DUTIES OF COMMITTEE. The committee shall:

8           (1) conduct a public hearing at least once every four  
9 months;

10          (2) review information with respect to the transition  
11 plan developed under Section 531.453, and the progress made in  
12 implementing that plan, including whether the eligibility system is  
13 progressing toward achieving full functionality and meeting the  
14 goals described in Section 531.452;

15          (3) review recommendations made by the commission, the  
16 state auditor's office, and the quality assurance team regarding  
17 actions necessary to make a component of the eligibility system  
18 that is not fully functional achieve that functionality;

19          (4) not later than December 1, 2008, make  
20 recommendations to the legislature regarding any legislative  
21 action necessary to support the implementation of the enhanced  
22 eligibility system in a manner that maximizes the positive effects  
23 of that implementation on the delivery of health and human services  
24 in this state; and

25          (5) after implementation of the enhanced eligibility  
26 system, monitor and regularly report to the legislature on the  
27 effectiveness and efficiency of that system.

1           Sec. 531.458. EXPIRATION. This subchapter expires  
2 September 1, 2011.

3           SECTION 3. (a) In this section, "commission" and "health  
4 and human services agencies" have the meanings assigned by Section  
5 531.001, Government Code.

6           (b) Section 531.019, Government Code, as added by this Act,  
7 applies only to a contract for which the commission or a health and  
8 human services agency first advertises or otherwise solicits bids,  
9 proposals, offers, or qualifications, as applicable, on or after  
10 September 1, 2007.

11           SECTION 4. Not later than September 1, 2007, the governor,  
12 the lieutenant governor, and the speaker of the house of  
13 representatives shall appoint the members of the health and human  
14 services eligibility system legislative oversight committee as  
15 required by Section 531.456, Government Code, as added by this Act.

16           SECTION 5. Not later than October 15, 2007, the health and  
17 human services eligibility system legislative oversight committee  
18 shall conduct the first public hearing required by Section 531.457,  
19 Government Code, as added by this Act.

20           SECTION 6. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3575 was passed by the House on May 11, 2007, by the following vote: Yeas 133, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3575 on May 25, 2007, by the following vote: Yeas 136, Nays 2, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3575 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor