

By: Shapleigh

S.B. No. 1587

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to contractors with the Health and Human Services  
3 Commission or with a health and human services agency that provide  
4 services to persons with limited English proficiency.

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

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

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

21 (b) The proposal required under Subsection (a) must include  
22 a language access plan that describes how the contractor will  
23 achieve any performance standards described in the request for  
24 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. (a) In this section, "commission" and "health  
15 and human services agencies" have the meanings assigned by Section  
16 531.001, Government Code.

17           (b) The changes in law made by this Act to the contracting  
18 procedures of the commission and health and human services agencies  
19 apply only to a contract for which the commission or a health and  
20 human services agency first advertises or otherwise solicits bids,  
21 proposals, offers, or qualifications, as applicable, on or after  
22 September 1, 2007.

23           (c) A contract for which the commission or a health and  
24 human services agency first advertised or otherwise solicited bids,  
25 proposals, offers, or qualifications, as applicable, before  
26 September 1, 2007, is governed by the law as it existed immediately  
27 before the effective date of this Act, and that law is continued in

1 effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2007.