

1-1 By: Shapleigh S.B. No. 1587  
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 23, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 23, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1587 By: Shapleigh

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to contractors with the Health and Human Services  
1-11 Commission or with a health and human services agency that provide  
1-12 services to persons with limited English proficiency.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 531, Government Code, is  
1-15 amended by adding Section 531.019 to read as follows:

1-16 Sec. 531.019. SERVICES PROVIDED BY CONTRACTOR TO PERSONS  
1-17 WITH LIMITED ENGLISH PROFICIENCY. (a) Each contract with the  
1-18 commission or a health and human services agency that requires the  
1-19 provision of call center services or written communications related  
1-20 to call center services must include performance standards that  
1-21 measure the effectiveness, promptness, and accuracy of the  
1-22 contractor's oral and written communications with persons with  
1-23 limited English proficiency. Each person who seeks to enter into a  
1-24 contract described by this subsection shall include in the bid or  
1-25 other applicable expression of interest for the contract a proposal  
1-26 for providing call center services or written communications  
1-27 related to call center services to persons with limited English  
1-28 proficiency.

1-29 (b) The proposal required under Subsection (a) must include  
1-30 a language access plan that describes how the contractor will  
1-31 achieve any performance standards described in the request for  
1-32 bids, proposals, or other applicable expressions of interest. The  
1-33 plan must also describe how the contractor will:

1-34 (1) identify persons who need language assistance;

1-35 (2) provide language assistance measures, including  
1-36 the translation of forms into languages other than English and the  
1-37 provision of translators and interpreters;

1-38 (3) inform persons with limited English proficiency of  
1-39 the language services available to them and how to obtain them;

1-40 (4) develop and implement qualifications for  
1-41 bilingual staff; and

1-42 (5) monitor compliance with the language access plan.

1-43 (c) In determining which bid or other applicable expression  
1-44 of interest offers the best value, the commission or a health and  
1-45 human services agency, as applicable, shall evaluate the extent to  
1-46 which the proposal for providing call center services or written  
1-47 communications related to call center services in languages other  
1-48 than English will provide meaningful access to the services for  
1-49 persons with limited English proficiency.

1-50 (d) In determining the extent to which a proposal will  
1-51 provide meaningful access under Subsection (c), the agency shall  
1-52 consider:

1-53 (1) the language access plan developed under  
1-54 Subsection (b);

1-55 (2) the number or proportion of persons with limited  
1-56 English proficiency in the agency's eligible service population;

1-57 (3) the frequency with which persons with limited  
1-58 English proficiency seek information regarding the agency's  
1-59 programs;

1-60 (4) the importance of the services provided by the  
1-61 agency's programs; and

1-62 (5) the resources available to the agency.

1-63 (e) The agency must avoid selecting a contractor that the

2-1 agency reasonably believes will:  
2-2 (1) provide information in languages other than  
2-3 English that is limited in scope;  
2-4 (2) unreasonably delay the provision of information in  
2-5 languages other than English; or  
2-6 (3) provide program information, including forms,  
2-7 notices, and correspondence, in English only.  
2-8 (f) This section does not apply to 2-1-1 services provided  
2-9 by the Texas Information and Referral Network.

2-10 SECTION 2. (a) In this section, "commission" and "health  
2-11 and human services agencies" have the meanings assigned by Section  
2-12 531.001, Government Code.

2-13 (b) The changes in law made by this Act to the contracting  
2-14 procedures of the commission and health and human services agencies  
2-15 apply only to a contract for which the commission or a health and  
2-16 human services agency first advertises or otherwise solicits bids,  
2-17 proposals, offers, or qualifications, as applicable, on or after  
2-18 September 1, 2007.

2-19 (c) A contract for which the commission or a health and  
2-20 human services agency first advertised or otherwise solicited bids,  
2-21 proposals, offers, or qualifications, as applicable, before  
2-22 September 1, 2007, is governed by the law as it existed immediately  
2-23 before the effective date of this Act, and that law is continued in  
2-24 effect for that purpose.

2-25 SECTION 3. This Act takes effect September 1, 2007.

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