

BILL ANALYSIS

C.S.H.B. 165
By: Naishtat
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 69th Legislature, Regular Session, 1985, established the deaf-blind program. This program was moved to the Department of Human Services and subsequently moved to the Department of Aging and Disability Services by the 76th Legislature, Regular Session, 1999. This program provides an array of home- and community-based services to people who are deaf-blind with multiple disabilities. One of the specific services provided for deaf-blind people is called an “intervener.” An intervener is the bridge who connects the deaf-blind person with the world. The intervener needs to have the skills to present the world through the deaf-blind person’s sense of touch. Without sight and hearing the deaf-blind person is totally isolated unless a skilled individual provides the keys of language and understanding. This bill ensures that the invaluable contributions that trained interveners make to the lives of deaf-blind individuals will be recognized and rewarded and creates the necessary framework for an intervener to be recognized as a skilled professional.

C.S.H.B. 165 requires the Health and Human Services Commission to create a career ladder for interveners. The bill provides for a classification system with an entry-level and three higher levels of classification. The bill sets forth skill and training requirements for each classification level. The bill requires compensation to be based on and commensurate with the intervener’s career-ladder classification.

RULEMAKING AUTHORITY

It is the committee’s opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 165 amends the Government Code to require the executive commissioner of the Health and Human Services Commission by rule to adopt a career ladder for persons who provide intervener services under the deaf-blind with multiple disabilities waiver program. The bill requires the rules to provide a classification system based on a person’s level of training, education, and experience as an Intervener, Intervener I, Intervener II, or Intervener III. The bill requires the rules, at a minimum, to require that an Intervener complete any orientation or training course required under the waiver program, hold a high school diploma or a high school equivalency certificate, have at least two years of experience working with individuals with developmental disabilities, have the ability to proficiently communicate in the functional language of the deaf-blind person, and meet all direct care worker qualifications as determined by the deaf-blind with multiple disabilities waiver program. The bill requires the rules, at a minimum, to require that an Intervener I meet the requirements of an Intervener, have at least six months of experience working with deaf-blind persons, and have completed at least eight semester credit hours, plus a one-hour practicum in deaf-blind related course work, at an accredited college or university. The bill requires the rules, at a minimum, to require that an Intervener II meet the requirements of an Intervener I, have at least nine months of experience working with deaf-blind persons, and have completed an additional 10 semester credit hours in

deaf-blind related course work at an accredited college or university. The bill requires the rules, at a minimum, to require that an Intervener III meet the requirements of an Intervener II, have at least one year of experience working with deaf-blind persons, and hold an associate's or bachelor's degree from an accredited college or university in a course of study with a focus on deaf-blind related course work. The bill defines "deaf-blind related course work."

C.S.H.B. 165 authorizes the executive commissioner to adopt the career ladder based on credentialing standards for interveners developed by the Academy for Certification of Vision Rehabilitation and Education Professionals or any other private credentialing entity that the executive commissioner determines is appropriate. The bill requires the compensation that an intervener receives for providing services under the waiver program to be based on and commensurate with the intervener's career-ladder classification.

C.S.H.B. 165 requires the executive commissioner to apply for and actively pursue an amendment to this state's waiver under Section 1915(c) of the federal Social Security Act or other authorization for the federal Centers for Medicare and Medicaid Services or any other federal agency if, before adopting the rules required by this bill, the executive commissioner determines the amendment or other authorization is necessary. The bill authorizes the executive commissioner to delay adopting rules required by this bill until the amendment or other authorization applied for is granted.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 165 differs from the original by referring to the lowest level classification as an Intervenor, rather than an Intervenor-in-Training as in the original. The substitute adds requirements that an Intervenor hold a high school diploma or its equivalent, have at least two years experience working with individuals with developmental disabilities, have the ability to communicate in the functional language of the deaf-blind person, and meet all direct care worker qualifications as determined by the waiver program, and omits a requirement in the original that the Intervener be actively pursuing classification as an Intervener I. The substitute requires that an Intervener I meet the requirements of an Intervener, have at least six months experience working with deaf-blind persons, and have completed at least eight semester credit hours, plus a one-hour practicum in related course work at an accredited college or university, whereas the original requires that the Intervener I complete any required orientation or training course, hold a high school diploma or its equivalent, and have completed at least 10 semester credit hours, including a two-hour practicum in deaf-blind related course work, at a public or private institution of higher education. The substitute requires an Intervener II, in addition to meeting the requirements of an Intervener I and having completed an additional 10 semester credit hours in deaf-blind related course work, as in the original, to have at least nine months of experience working with deaf-blind persons. The substitute requires an Intervener III, in addition to meeting the requirements of an Intervener II and holding an associate's degree or bachelor's degree, as in the original, to have at least one year of experience working with deaf-blind persons and to hold such degree from an accredited college or university in a course of study with a focus on deaf-blind related course work.