

BILL ANALYSIS

H.B. 166
By: Naishtat
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The deaf-blind with multiple disabilities waiver program is a full service program that only serves persons 18 years of age and older. The intervener service provided under the program, which grants a deaf-blind person access to people trained in the person's specific needs, is one of the most valuable benefits, but is often provided too late in the life of the person for optimal learning. Deaf-blind children cannot learn using typical pedagogical methods or by observing the world around them. They only respond to stimuli that is provided directly and purposefully, and current services available to children who are deaf and blind do not sufficiently address these needs.

In the education of the deaf and blind, early intervention is crucial. A skilled intervener in a child's home enhances the child's ability to communicate and comprehend experiences in his or her environment. Parents are often overwhelmed by the child's other medical needs and have little time or resources to learn communication techniques specific to the child. An intervener would not only provide a link between the deaf-blind child and the sighted, hearing world, but provide support and training to the child's parents as well. The school-aged child would have a bridge built between the intervener at home and the intervener at school. Any gaps between a child's school curriculum and the home would be filled by a specific communication system designed for that child.

Under current law, children who are deaf and blind are eligible to receive education services from Early Childhood Intervention (ECI) or to be placed on interest lists for the Community Living and Assistance and Support Services (CLASS), the Medically Dependent Children Program (MDCP), and home and community-based services waivers. ECI workers are not, however, trained or qualified in the special needs of deaf-blind children and, by the time a child is accepted into a Medicaid waiver program, the child has often passed the age at which early intervention is most effective. In addition, these waivers do not provide specialists trained to understand and respond to the needs of the deaf-blind population.

In its current form, the deaf-blind with multiple disabilities waiver program only provides services to persons 18 years of age and older, in part because deaf-blind advocates did not want people who are deaf and blind to be served in the medical model. When the program was initiated, its aim was to ensure that deaf-blind people graduating from school could receive services that address needs specific to their disability during the transition period after school. It was not anticipated that the availability of education-based services would lag for so long.

H.B. 166 grants eligibility to a child for services under the deaf-blind with multiple disabilities waiver program at the time of the child's diagnosis, rather than the age of 18. The bill ensures the receipt of services that enhance the child's ability to communicate and learn during a period of time when this enhancement is most feasible and effective.

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 3 of this bill.

ANALYSIS

H.B. 166 amends the Human Resources Code to require the Department of Aging and Disability Services to provide home- and community-based services under the deaf-blind with multiple disabilities waiver program without regard to a person's age if the person applies for and is otherwise eligible to receive services under the waiver program, subject to the availability of funds appropriated for that purpose. The bill clarifies that the requirement does not prevent the department from establishing an age requirement with respect to other programs or services offered to persons who are deaf-blind and have multiple disabilities, including the summer outdoor training program for deaf-blind multihandicapped individuals established under state law.

H.B. 166 requires the executive commissioner of the Health and Human Services Commission as soon as practicable after the effective date of the bill to apply for and actively pursue an amendment to the state's deaf-blind with multiple disabilities Medicaid waiver or other authorization from the federal Centers for Medicare and Medicaid Services or any other federal agency to implement the bill's provisions with respect to persons who are younger than 18 years of age. The bill authorizes the department to delay implementing the bill's provisions until the waiver amendment or other authorization is granted. The bill requires the executive commissioner to adopt rules to implement these provisions, as soon as possible after obtaining the waiver amendment or authorization.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.