

## **BILL ANALYSIS**

H.B. 1454  
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Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, there are two options in Texas for making life decisions for individuals who are unable to make decisions on their own: guardianship and surrogate decision making. Guardianship is a last resort for individuals with intellectual, developmental, or other cognitive disabilities and should only be used when absolutely necessary since individuals under guardianship lose certain rights. Surrogate decision making is a less intrusive and restrictive option and is used to help individuals who are unable to independently make decisions about certain major life issues. Both options result in someone making decisions on behalf of an individual. There is no alternative that allows for assisting a person with an intellectual, developmental, or other cognitive disability who has the capacity to make his or her own decisions, but needs support doing so.

H.B. 1454 requires the Health and Human Services Commission to create a pilot program to provide supported decision-making services to individuals with intellectual, developmental, or other cognitive disabilities and sets out provisions for the administration of the program. The bill requires the commission to provide a report to the legislature before each regular legislative session evaluating the effectiveness of the pilot program and recommending improvements to the program and whether to continue, expand, or eliminate the program.

### **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**

H.B. 1454 amends the Government Code to require the Health and Human Services Commission to create a pilot program to promote the provision of supported decision-making services to persons with intellectual and developmental disabilities and persons with other cognitive disabilities. The bill requires the commission to select at least one rural community and at least one urban community in which to implement the program and to convene a work group to develop the rules and structure of the pilot program and provides for the membership of the work group.

H.B. 1454 provides for the creation and administration of the program and recruitment and training of volunteer advocates under a nonprofit organization, a self-advocacy organization, or a local mental retardation authority or a collaboration of any of those types of entities. The bill sets out requirements for an entity or collaboration of entities to be awarded a contract to create or administer the program.

H.B. 1454 requires the commission to ensure that the pilot program provides supported decision-making services to persons living in the community and persons living in an institutional setting and requires the pilot program in at least one site to serve residents of a state school, especially residents who have expressed a desire to leave the state school and do not have a guardian.

H.B. 1454 requires the executive commissioner of the Health and Human Services Commission by rule to prescribe the criteria a contractor must use in evaluating the effectiveness of supported decision-making services provided by the pilot program. The bill requires the criteria to be

similar to the National Core Indicators promulgated by the Human Services Research Institute. H.B. 1454 requires the commission, before each regular session of the legislature, to publish a report that includes an evaluation of the effectiveness of the pilot program; recommendations for changes to improve the operation of the pilot program; and a recommendation to continue, expand, or eliminate the pilot program. The bill specifies that the volunteer-supported decision-making advocate pilot program expires September 1, 2013.

H.B. 1454 defines "peer-to-peer services training," "pilot program," "self-advocacy organization," "state school," and "supported decision-making services."

H.B. 1454 requires the executive commissioner of the Health and Human Services Commission to appoint persons to the pilot program work group not later than January 1, 2010.

**EFFECTIVE DATE**

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