

BILL ANALYSIS

S.B. 37
By: Zaffirini
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 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.

S.B. 37 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

S.B. 37 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.

S.B. 37 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 and requires the executive commissioner to adopt rules to implement these provisions, as soon as possible after obtaining the waiver amendment or authorization. The bill specifies that its provisions do not make an appropriation and that any such provision that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific implementing appropriation.

EFFECTIVE DATE

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