

By: Rodriguez

H.B. No. 785

A BILL TO BE ENTITLED

AN ACT

relating to employment services for persons with disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. EMPLOYMENT SERVICES

Sec. 531.751. EMPLOYMENT SERVICES. (a) The executive commissioner shall ensure that employment services programs, including supported employment services programs, are structured in a manner that assists persons with disabilities to obtain and maintain meaningful employment in integrated settings.

(b) The executive commissioner shall adopt rules necessary to eliminate barriers to employment services for individuals eligible to receive services under a Section 1915(c) waiver program, including rules that:

(1) expand an individual's time and budget allowances for employment services for consumers receiving services under Section 1915(c) waiver programs;

(2) allow consumers to exercise self-determination and choose the amount of money in the consumer's budget that the consumer allocates toward employment services;

(3) ensure that employment services are available under all Section 1915(c) waiver programs;

(4) ensure that case managers assist consumers of

1 waiver services in developing an individualized budget, selecting  
2 an approved employment services provider, and creating an  
3 employment services plan; and

4 (5) ensure that a provider of employment services  
5 under contract with the Department of Aging and Disability Services  
6 provides transportation to competitive employment locations.

7 Sec. 531.752. EMPLOYMENT SERVICES PROVIDER MINIMUM  
8 STANDARDS; REQUIRED APPROVAL. (a) The executive commissioner, the  
9 Department of Assistive and Rehabilitative Services, and the  
10 Department of Aging and Disability Services shall collaboratively  
11 develop minimum standards for employment services providers that  
12 contract with either agency.

13 (b) The Department of Assistive and Rehabilitative Services  
14 shall:

15 (1) review and approve applications to provide  
16 employment services to ensure that all employment services  
17 providers meet the minimum standards adopted under Subsection (a),  
18 regardless of:

19 (A) the type or duration of employment services  
20 provided; or

21 (B) whether the persons receiving the services  
22 are clients of the Department of Assistive and Rehabilitative  
23 Services or the Department of Aging and Disability Services;

24 (2) maintain a list of employment services providers  
25 that meet the minimum standards; and

26 (3) make the list available to a person that requests  
27 information regarding employment services, regardless of whether

1 the person receives services from the department.

2 (c) A person may not provide employment services through a  
3 contract with the Department of Assistive and Rehabilitative  
4 Services or the Department of Aging and Disability Services unless  
5 the person has applied for and been approved as an employment  
6 services provider by the Department of Assistive and Rehabilitative  
7 Services.

8 (d) The executive commissioner shall ensure that:

9 (1) agreements or contracts are developed as needed to  
10 allow other health and human services agencies to contract with  
11 employment services providers approved by the Department of  
12 Assistive and Rehabilitative Services; and

13 (2) employment services are available under the  
14 consumer-directed services option.

15 Sec. 531.753. INFORMATION REGARDING SOCIAL SECURITY INCOME  
16 AND BENEFITS AND FEDERAL WORK INCENTIVE PROGRAMS. (a) The  
17 executive commissioner shall ensure that each health and human  
18 services agency has sufficient expertise regarding social security  
19 income and benefits and federal work incentives to ensure that a  
20 person with a disability receives accurate and appropriate  
21 information and referrals related to social security income and  
22 benefit programs and federal employment services.

23 (b) The Department of Aging and Disability Services shall  
24 ensure that case managers, including case managers employed by  
25 employment services providers, have access to and are trained to  
26 provide information regarding the use of social security, federal  
27 work incentives, and the Medicaid buy-in program to interested

1 consumers. The department shall designate at least one staff  
2 person in each region to provide the information required by this  
3 section to consumers and their families.

4 (c) The executive commissioner shall ensure that each local  
5 mental retardation authority designates an employee to provide the  
6 information required by this section to consumers and their  
7 families.

8 SECTION 2. Subchapter B, Chapter 533, Health and Safety  
9 Code, is amended by adding Section 533.0371 to read as follows:

10 Sec. 533.0371. PLAN TO REDUCE RELIANCE ON SHELTERED  
11 WORKSHOPS. (a) The Department of Aging and Disability Services  
12 shall develop a plan to significantly reduce reliance on sheltered  
13 workshops as an employment option for people with disabilities.  
14 The plan must identify all federal funding opportunities that would  
15 assist the department in reducing reliance on sheltered workshops.

16 (b) The plan developed under Subsection (a) must provide for  
17 the significant reduction of reliance on sheltered workshops not  
18 later than September 1, 2015.

19 SECTION 3. Section 117.058(a), Human Resources Code, is  
20 amended to read as follows:

21 (a) The department shall establish and require employee  
22 participation in a specialized training program for certain  
23 employees, including vocational rehabilitation counselors and  
24 vocational rehabilitation transition specialists and transition  
25 counselors, whose duties involve assisting youth with disabilities  
26 to transition to post-schooling activities, services for adults, or  
27 community living.

1 SECTION 4. Subchapter A, Chapter 302, Labor Code, is  
2 amended by adding Section 302.016 to read as follows:

3 Sec. 302.016. PROVISION OF DISABILITY NAVIGATOR SERVICES.

4 (a) In this section, "disability navigator services" includes  
5 services that:

6 (1) are provided through a one-stop approach; and

7 (2) assist persons with disabilities in navigating a  
8 variety of programs that have an impact on locating and maintaining  
9 employment.

10 (b) The commission shall identify and implement funding  
11 options that will allow the commission to increase the number of  
12 individuals providing disability navigator services to a level that  
13 ensures that each local workforce area has access to at least one  
14 individual who provides disability navigator services.

15 SECTION 5. (a) The Health and Human Services Commission  
16 shall analyze employment services provider payment rates and rate  
17 methodology and determine the optimum rates and rate methodology  
18 that will ensure an adequate employment services provider base for  
19 individuals with disabilities. In conducting the analysis, the  
20 commission shall consider the use of an outcome-based methodology  
21 for payment of employment services providers.

22 (b) Not later than September 1, 2010, the Health and Human  
23 Services Commission shall provide a report to the governor,  
24 lieutenant governor, and speaker of the house of representatives  
25 that contains the results of the analysis performed under this  
26 section and recommendations for any necessary legislation as  
27 determined by the commission.

1           SECTION 6. (a) A person providing employment services  
2 through a contract with the Department of Aging and Disability  
3 Services or the Department of Assistive and Rehabilitative Services  
4 on September 1, 2009, may continue to provide employment services  
5 and is not required to apply for employment services provider  
6 approval under Section 531.752, Government Code, as added by this  
7 Act, until September 1, 2011.

8           (b) Not later than September 1, 2010, the Department of  
9 Aging and Disability Services shall submit to the executive  
10 commissioner of the Health and Human Services Commission the plan  
11 required by Section 533.0371, Health and Safety Code, as added by  
12 this Act.

13           SECTION 7. If before implementing any provision of this Act  
14 a state agency determines that a waiver or authorization from a  
15 federal agency is necessary for implementation of that provision,  
16 the agency affected by the provision shall request the waiver or  
17 authorization and may delay implementing that provision until the  
18 waiver or authorization is granted.

19           SECTION 8. This Act takes effect September 1, 2009.