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et al.

H.B. No. 1454

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a volunteer-supported decision-making advocate pilot program for persons with intellectual and developmental disabilities and persons with other cognitive disabilities.

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

SECTION 1. This Act may be cited as Amy Young's Law in memory of Amy Young, who dedicated her life to serving disabled persons and died unexpectedly in September 2008, at the young age of 38.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02446 to read as follows:

Sec. 531.02446. VOLUNTEER-SUPPORTED DECISION-MAKING ADVOCATE PILOT PROGRAM. (a) In this section:

(1) "Peer-to-peer services training" means training conducted by and for persons with intellectual and developmental disabilities and persons with other cognitive disabilities who live in the community on how to advocate for their own rights and interests.

(2) "Pilot program" means a volunteer-supported decision-making advocate pilot program established under this section.

(3) "Self-advocacy organization" means a nonprofit organization run by and for persons with disabilities that provides

1 training to its members and other self-advocacy organizations on
2 self-advocacy, self-determination, and person-centered planning.

3 (4) "Supported decision-making services" means
4 services provided for the purpose of supporting a person with
5 intellectual and developmental disabilities or a person with other
6 cognitive disabilities who lives in the community to enable the
7 person to make life decisions such as where the person wants to
8 live, who the person wants to live with, and where the person wants
9 to work, without impeding the self-determination of the person.

10 (b) The commission shall create a pilot program to promote
11 the provision of supported decision-making services to persons with
12 intellectual and developmental disabilities and persons with other
13 cognitive disabilities who live in the community. The commission
14 shall select at least one rural community and at least one urban
15 community in which to implement the program. The commission shall
16 convene a work group to develop the rules and structure of the pilot
17 program. The work group must consist of family members of, and
18 advocates for, persons with intellectual and developmental
19 disabilities and persons with other cognitive disabilities, and of
20 other persons interested in promoting supported decision-making
21 services. The work group must include at least one representative
22 of a self-advocacy organization and at least one self-advocate.

23 (c) The commission shall contract with one or more entities
24 to administer the pilot program and to recruit and train volunteer
25 advocates to provide supported decision-making services. The pilot
26 program may be created or administered by a nonprofit organization,
27 a self-advocacy organization, or a local mental retardation

1 authority or a collaboration of any of those types of entities.

2 (d) The commission shall award a contract to an entity or
3 collaboration of entities described by Subsection (c) that
4 demonstrates:

5 (1) a commitment to:

6 (A) a philosophy of self-determination in
7 providing supported decision-making services;

8 (B) providing peer-to-peer services training;

9 (C) person-centered planning; and

10 (D) preserving the rights provided by federal and
11 state law of persons with intellectual and developmental
12 disabilities and persons with other cognitive disabilities; and

13 (2) the ability to provide supported decision-making
14 services to assist persons with intellectual and developmental
15 disabilities and persons with other cognitive disabilities in
16 understanding their personal options, support options,
17 opportunities, and responsibilities to help the persons remain as
18 independent as possible.

19 (e) The commission shall ensure that the pilot program
20 provides supported decision-making services to persons living in
21 the community. The pilot program may not serve residents of a state
22 school.

23 (f) The executive commissioner by rule shall prescribe the
24 criteria a contractor must use in evaluating the effectiveness of
25 supported decision-making services provided by the pilot program.
26 The criteria must be similar to the National Core Indicators
27 promulgated by the Human Services Research Institute.

1 (g) Before each regular session of the legislature, the
2 commission shall publish a report that includes:

3 (1) an evaluation of the effectiveness of the pilot
4 program under the criteria established under Subsection (f);

5 (2) recommendations for changes to improve the
6 operation of the pilot program; and

7 (3) a recommendation to continue, expand, or eliminate
8 the pilot program.

9 (h) This section expires September 1, 2013.

10 SECTION 3. Not later than January 1, 2010, the executive
11 commissioner of the Health and Human Services Commission shall
12 appoint persons to a pilot program work group as required under
13 Section 531.02446(b), Government Code, as added by this Act.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.