

By: Naishtat

H.B. No. 1454

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of a volunteer-supported
3 decision-making advocate pilot program for persons with
4 intellectual and developmental disabilities and persons with other
5 cognitive disabilities.

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

7 SECTION 1. Subchapter B, Chapter 531, Government Code, is
8 amended by adding Section 531.02446 to read as follows:

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

11 (1) "Peer-to-peer services training" means training
12 conducted by and for persons with intellectual and developmental
13 disabilities and persons with other cognitive disabilities on how
14 to advocate for their own rights and interests.

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

18 (3) "Self-advocacy organization" means a nonprofit
19 organization run by and for persons with disabilities that provides
20 training to its members and other self-advocacy organizations on
21 self-advocacy, self-determination, and person-centered planning.

22 (4) "State school" has the meaning assigned by Section
23 531.002, Health and Safety Code.

24 (5) "Supported decision-making services" means

1 services provided for the purpose of supporting a person with
2 intellectual and developmental disabilities or a person with other
3 cognitive disabilities to enable the person to make life decisions
4 such as where the person wants to live, who the person wants to live
5 with, and where the person wants to work, without impeding the
6 self-determination of the person.

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

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

26 (d) The commission shall award a contract to an entity or
27 collaboration of entities described by Subsection (c) that

1 demonstrates:

2 (1) a commitment to:

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

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

6 (C) person-centered planning; and

7 (D) preserving the rights provided by federal and
8 state law of persons with intellectual and developmental
9 disabilities and persons with other cognitive disabilities; and

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

16 (e) The commission shall ensure that the pilot program
17 provides supported decision-making services to persons living in
18 the community and persons living in an institutional setting. The
19 pilot program in at least one site must serve residents of a state
20 school, especially residents who have expressed a desire to leave
21 the state school and do not have a guardian.

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

27 (g) Before each regular session of the legislature, the

1 commission shall publish a report that includes:

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

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

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

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

9 SECTION 2. Not later than January 1, 2010, the executive
10 commissioner of the Health and Human Services Commission shall
11 appoint persons to a pilot program work group as required under
12 Section 531.02446(b), Government Code, as added by this Act.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.