

1-1 By: Naishtat, et al. (Senate Sponsor - Zaffirini) H.B. No. 1454  
1-2 (In the Senate - Received from the House April 16, 2009;  
1-3 April 16, 2009, read first time and referred to Committee on Health  
1-4 and Human Services; May 5, 2009, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 5, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the establishment of a volunteer-supported  
1-9 decision-making advocate pilot program for persons with  
1-10 intellectual and developmental disabilities and persons with other  
1-11 cognitive disabilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. This Act may be cited as Amy Young's Law in  
1-14 memory of Amy Young, who dedicated her life to serving disabled  
1-15 persons and died unexpectedly in September 2008, at the young age of  
1-16 38.

1-17 SECTION 2. Subchapter B, Chapter 531, Government Code, is  
1-18 amended by adding Section 531.02446 to read as follows:

1-19 Sec. 531.02446. VOLUNTEER-SUPPORTED DECISION-MAKING  
1-20 ADVOCATE PILOT PROGRAM. (a) In this section:

1-21 (1) "Peer-to-peer services training" means training  
1-22 conducted by and for persons with intellectual and developmental  
1-23 disabilities and persons with other cognitive disabilities who live  
1-24 in the community on how to advocate for their own rights and  
1-25 interests.

1-26 (2) "Pilot program" means a volunteer-supported  
1-27 decision-making advocate pilot program established under this  
1-28 section.

1-29 (3) "Self-advocacy organization" means a nonprofit  
1-30 organization run by and for persons with disabilities that provides  
1-31 training to its members and other self-advocacy organizations on  
1-32 self-advocacy, self-determination, and person-centered planning.

1-33 (4) "Supported decision-making services" means  
1-34 services provided for the purpose of supporting a person with  
1-35 intellectual and developmental disabilities or a person with other  
1-36 cognitive disabilities who lives in the community to enable the  
1-37 person to make life decisions such as where the person wants to  
1-38 live, who the person wants to live with, and where the person wants  
1-39 to work, without impeding the self-determination of the person.

1-40 (b) The commission shall create a pilot program to promote  
1-41 the provision of supported decision-making services to persons with  
1-42 intellectual and developmental disabilities and persons with other  
1-43 cognitive disabilities who live in the community. The commission  
1-44 shall select at least one rural community and at least one urban  
1-45 community in which to implement the program. The commission shall  
1-46 convene a work group to develop the rules and structure of the pilot  
1-47 program. The work group must consist of family members of, and  
1-48 advocates for, persons with intellectual and developmental  
1-49 disabilities and persons with other cognitive disabilities, and of  
1-50 other persons interested in promoting supported decision-making  
1-51 services. The work group must include at least one representative  
1-52 of a self-advocacy organization and at least one self-advocate.

1-53 (c) The commission shall contract with one or more entities  
1-54 to administer the pilot program and to recruit and train volunteer  
1-55 advocates to provide supported decision-making services. The pilot  
1-56 program may be created or administered by a nonprofit organization,  
1-57 a self-advocacy organization, or a local mental retardation  
1-58 authority or a collaboration of any of those types of entities.

1-59 (d) The commission shall award a contract to an entity or  
1-60 collaboration of entities described by Subsection (c) that  
1-61 demonstrates:

1-62 (1) a commitment to:

1-63 (A) a philosophy of self-determination in  
1-64 providing supported decision-making services;

2-1 (B) providing peer-to-peer services training;  
2-2 (C) person-centered planning; and  
2-3 (D) preserving the rights provided by federal and  
2-4 state law of persons with intellectual and developmental  
2-5 disabilities and persons with other cognitive disabilities; and  
2-6 (2) the ability to provide supported decision-making  
2-7 services to assist persons with intellectual and developmental  
2-8 disabilities and persons with other cognitive disabilities in  
2-9 understanding their personal options, support options,  
2-10 opportunities, and responsibilities to help the persons remain as  
2-11 independent as possible.

2-12 (e) The commission shall ensure that the pilot program  
2-13 provides supported decision-making services to persons living in  
2-14 the community. The pilot program may not serve residents of a state  
2-15 school.

2-16 (f) The executive commissioner by rule shall prescribe the  
2-17 criteria a contractor must use in evaluating the effectiveness of  
2-18 supported decision-making services provided by the pilot program.  
2-19 The criteria must be similar to the National Core Indicators  
2-20 promulgated by the Human Services Research Institute.

2-21 (g) Before each regular session of the legislature, the  
2-22 commission shall publish a report that includes:

2-23 (1) an evaluation of the effectiveness of the pilot  
2-24 program under the criteria established under Subsection (f);

2-25 (2) recommendations for changes to improve the  
2-26 operation of the pilot program; and

2-27 (3) a recommendation to continue, expand, or eliminate  
2-28 the pilot program.

2-29 (h) This section expires September 1, 2013.

2-30 SECTION 3. Not later than January 1, 2010, the executive  
2-31 commissioner of the Health and Human Services Commission shall  
2-32 appoint persons to a pilot program work group as required under  
2-33 Section 531.02446(b), Government Code, as added by this Act.

2-34 SECTION 4. This Act takes effect immediately if it receives  
2-35 a vote of two-thirds of all the members elected to each house, as  
2-36 provided by Section 39, Article III, Texas Constitution. If this  
2-37 Act does not receive the vote necessary for immediate effect, this  
2-38 Act takes effect September 1, 2009.

2-39 \* \* \* \* \*