

1-1 By: Zaffirini S.B. No. 63
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; May 1, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 1, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 63 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a career ladder for interveners who provide services
1-11 under the deaf-blind with multiple disabilities waiver program.

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

1-13 SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-14 amended by adding Section 531.0973 to read as follows:

1-15 Sec. 531.0973. DEAF-BLIND WITH MULTIPLE DISABILITIES
1-16 WAIVER PROGRAM: CAREER LADDER FOR INTERVENERS. (a) In this
1-17 section, "deaf-blind-related course work" means educational
1-18 courses designed to improve a student's:

1-19 (1) knowledge of deaf-blindness and its effect on
1-20 learning;

1-21 (2) knowledge of the role of intervention and ability
1-22 to facilitate the intervention process;

1-23 (3) knowledge of areas of communication relevant to
1-24 deaf-blindness, including methods, adaptations, and use of
1-25 assistive technology, and ability to facilitate a deaf-blind
1-26 person's development and use of communication skills;

1-27 (4) knowledge of the effect that deaf-blindness has on
1-28 a person's psychological, social, and emotional development and
1-29 ability to facilitate the emotional well-being of a deaf-blind
1-30 person;

1-31 (5) knowledge of and issues related to sensory systems
1-32 and ability to facilitate the use of the senses;

1-33 (6) knowledge of motor skills, movement, orientation,
1-34 and mobility strategies and ability to facilitate orientation and
1-35 mobility skills;

1-36 (7) knowledge of the effect that additional
1-37 disabilities have on a deaf-blind person and ability to provide
1-38 appropriate support; or

1-39 (8) professionalism and knowledge of ethical issues
1-40 relevant to the role of an intervener.

1-41 (b) The executive commissioner by rule shall adopt a career
1-42 ladder for persons who provide intervener services under the
1-43 deaf-blind with multiple disabilities waiver program. The rules
1-44 must provide a system under which each person may be classified
1-45 based on the person's level of training, education, and experience,
1-46 as one of the following:

1-47 (1) Intervener;

1-48 (2) Intervener I;

1-49 (3) Intervener II; or

1-50 (4) Intervener III.

1-51 (c) The rules adopted by the executive commissioner under
1-52 Subsection (b) must, at a minimum, require that:

1-53 (1) an Intervener:

1-54 (A) complete any orientation or training course
1-55 that is required to be completed by any person who provides direct
1-56 care services to recipients of services under the deaf-blind with
1-57 multiple disabilities waiver program;

1-58 (B) hold a high school diploma or a high school
1-59 equivalency certificate;

1-60 (C) have at least two years of experience working
1-61 with individuals with developmental disabilities;

1-62 (D) have the ability to proficiently communicate
1-63 in the functional language of the deaf-blind person; and

(E) meet all direct-care worker qualifications as determined by the deaf-blind with multiple disabilities waiver program;

(2) an Intervener I:

(A) meet the requirements of an Intervener under Subdivision (1);

(B) have at least six months of experience working with deaf-blind persons; and

(C) have completed at least eight semester credit hours, plus a one-hour practicum in deaf-blind-related course work, at an accredited college or university;

(3) an Intervener II:

(A) meet the requirements of an Intervener I;

(B) have at least nine months of experience working with deaf-blind persons; and

(C) have completed an additional 10 semester credit hours in deaf-blind-related course work at an accredited college or university; and

(4) an Intervener III:

(A) meet the requirements of an Intervener II;

(B) have at least one year of experience working with deaf-blind persons; and

(C) hold an associate's or bachelor's degree from an accredited college or university in a course of study with a focus on deaf-blind-related course work.

(d) Notwithstanding Subsections (b) and (c), the executive commissioner may adopt a career ladder under this section based on credentialing standards for interveners developed by the Academy for Certification of Vision Rehabilitation and Education Professionals or any other private credentialing entity that the executive commissioner determines is appropriate.

(e) The compensation that an intervener receives for providing services under the deaf-blind with multiple disabilities waiver program must be based on and commensurate with the intervener's career ladder classification.

SECTION 2. If before adopting rules under Section 531.0973, Government Code, as added by this Act, the executive commissioner of the Health and Human Services Commission determines that an amendment to this state's deaf-blind with multiple disabilities waiver under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n(c)) or other authorization from the federal Centers for Medicare and Medicaid Services or any other federal agency is necessary, the executive commissioner shall apply for and actively pursue the amendment or other authorization and may delay adopting rules under Section 531.0973, Government Code, as added by this Act, until the amendment or other authorization applied for under this section is granted.

SECTION 3. This Act takes effect September 1, 2009.

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