

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Darby, Herrero

H.B. No. 748

A BILL TO BE ENTITLED

AN ACT

relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.

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

SECTION 1. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.077 to read as follows:

Sec. 161.077. CONTRACTS FOR SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES. A person that provides disability services may contract with a state school or state center for the school or center to provide services and resources to support individuals with developmental disabilities, including individuals with dual diagnosis disorders.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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

# ADOPTED

MAY 26 2009

*Atty. Gen.*  
Secretary of the Senate

By: Duncan

H.B. No. 748

Substitute the following for H.B. No. 748 :

By: Garrett

C.S. H.B. No. 748

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2 relating to the provision of services to certain individuals with  
3 developmental disabilities by a state school or state center.

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

5 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,  
6 is amended by adding Section 161.077 to read as follows:

7 Sec. 161.077. CONTRACTS FOR SERVICES FOR INDIVIDUALS WITH  
8 DEVELOPMENTAL DISABILITIES. (a) A person that provides disability  
9 services may contract with a state school or state center for the  
10 school or center to provide services and resources to support  
11 individuals with developmental disabilities, including individuals  
12 with dual diagnosis disorders.

13 (b) Notwithstanding any other law, a state school or state  
14 center may provide nonresidential services to support an individual  
15 if:

16 (1) the individual:

17 (A) is receiving services in a program funded by  
18 the department;

19 (B) meets the eligibility criteria for the  
20 intermediate care facility for persons with mental retardation  
21 program; and

22 (C) resides in the area in which the state school  
23 or state center is located; and

24 (2) the provision of services to the individual does

1 not interfere with the provision of services to a resident of the  
2 state school or state center.

3         SECTION 2. If before implementing any provision of this Act  
4 a state agency determines that a waiver or authorization from a  
5 federal agency is necessary for implementation of that provision,  
6 the agency affected by the provision shall request the waiver or  
7 authorization and may delay implementing that provision until the  
8 waiver or authorization is granted.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB748** by Darby (relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Human Resources Code to allow a person that provides disability services in the community to contract with a state school or center for the school or center to provide services and resources to support individuals with developmental disabilities if the individual is receiving services in a program funded by the Department of Aging and Disability Services (DADS), meets the eligibility criteria for the intermediate care facility for persons with mental retardation program, and resides in the area in which the state school or center is located, and the provision of services to the individual does not interfere with the provision of services to a resident of the state school or center.

DADS estimates that existing staff at state schools and centers could be used to provide services and resources to persons with developmental disabilities, and does not expect a significant number of persons from the community to receive these services and resources.

Depending on the contract terms and the number of clients receiving services, the bill could result in a slight revenue gain to DADS as long as excess staff capacity is used to serve clients. If demand exceeds existing capacity, DADS could incur additional staffing costs which would be offset by the new revenue.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 539 Aging and Disability Services, Department of

**LBB Staff:** JOB, MN, CL, JI, LL

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB748** by Darby (Relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.), **Committee Report 2nd House, Substituted**

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**Source Agencies:** 539 Aging and Disability Services, Department of

**LBB Staff:** JOB, CL, JI, LL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 1, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB748** by Darby (Relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Human Resources Code to allow a person that provides disability services in the community to contract with a state school or center for the school or center to provide services and resources to support individuals with developmental disabilities.

The Department of Aging and Disability Services estimates that existing staff at state schools and centers could be used to provide services and resources to persons with developmental disabilities, and does not expect a significant number of persons from the community to receive these services and resources.

Depending on the contract terms and the number of clients receiving services, the bill could result in a slight revenue gain to DADS as long as excess staff capacity is used to serve clients. If demand exceeds existing capacity, DADS could incur additional staffing costs which would be offset by the new revenue.

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**Source Agencies:** 539 Aging and Disability Services, Department of  
**LBB Staff:** JOB, CL, JI, LL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 11, 2009**

**TO:** Honorable Patrick M. Rose, Chair, House Committee on Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB748** by Darby (Relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.), **As Introduced**

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