

By: Shelton

H.B. No. 3629

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the Department of Assistive and Rehabilitative Services and transferring its powers and duties to the Department of Aging and Disability Services and the Department of State Health Services.

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

SECTION 1. Section 531.001(4), Government Code, is amended to read as follows:

(4) "Health and human services agencies" includes the:

(A) Department of Aging and Disability Services;

(B) Department of State Health Services; and

(C) ~~[Department of Assistive and Rehabilitative Services; and~~

~~[(D)]~~ Department of Family and Protective Services.

SECTION 2. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Section 1001.0712 to read as follows:

Sec. 1001.0712. GENERAL POWERS AND DUTIES OF DEPARTMENT RELATED TO EARLY CHILDHOOD INTERVENTION SERVICES. The department is responsible for administering human services programs regarding early childhood intervention services.

SECTION 3. Section 161.071, Human Resources Code, is amended to read as follows:

Sec. 161.071. GENERAL POWERS AND DUTIES OF DEPARTMENT. The

1 department is responsible for administering human services
2 programs for the aging and disabled, including:

3 (1) administering and coordinating programs to
4 provide community-based care and support services to promote
5 independent living for populations that would otherwise be
6 institutionalized;

7 (2) providing institutional care services, including
8 services through convalescent and nursing homes and related
9 institutions under Chapter 242, Health and Safety Code;

10 (3) providing and coordinating programs and services
11 for persons with disabilities, including programs for the
12 treatment, rehabilitation, or benefit of persons with
13 developmental disabilities or mental retardation or persons who are
14 blind, deaf, or hard of hearing;

15 (4) operating state facilities for the housing,
16 treatment, rehabilitation, or benefit of persons with
17 disabilities, including state schools for persons with mental
18 retardation;

19 (5) serving as the state unit on aging required by the
20 federal Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.)
21 and its subsequent amendments, including performing the general
22 functions under Section 101.022 to ensure:

23 (A) implementation of the federal Older
24 Americans Act of 1965 (42 U.S.C. Section 3001 et seq.) and its
25 subsequent amendments, including implementation of services and
26 volunteer opportunities under that Act for older residents of this
27 state through area agencies on aging;

1 (B) advocacy for residents of nursing facilities
2 through the office of the state long-term care ombudsman;

3 (C) fostering of the state and community
4 infrastructure and capacity to serve older residents of this state;
5 and

6 (D) availability of a comprehensive resource for
7 state government and the public on trends related to and services
8 and programs for an aging population;

9 (6) performing all licensing and enforcement
10 activities and functions related to long-term care facilities,
11 including licensing and enforcement activities related to
12 convalescent and nursing homes and related institutions under
13 Chapter 242, Health and Safety Code;

14 (7) performing all licensing and enforcement
15 activities related to assisted living facilities under Chapter 247,
16 Health and Safety Code;

17 (8) performing all licensing and enforcement
18 activities related to intermediate care facilities for persons with
19 mental retardation under Chapter 252, Health and Safety Code;

20 (9) performing all licensing and enforcement
21 activities and functions related to home and community support
22 services agencies under Chapter 142, Health and Safety Code; ~~and~~

23 (10) serving as guardian of the person or estate, or
24 both, for an incapacitated individual as provided by Subchapter E
25 of this chapter and Chapter XIII, Texas Probate Code; and

26 (11) providing and coordinating programs for the
27 rehabilitation of persons with disabilities so that those persons

1 may prepare for and engage in a gainful occupation or achieve
2 maximum personal independence.

3 SECTION 4. Section 117.076, Human Resources Code, is
4 transferred to Subchapter D, Chapter 161, Human Resources Code, and
5 redesignated as Section 161.087, Human Resources Code, to read as
6 follows:

7 Sec. 161.087 [~~117.076~~]. INFORMATION REGARDING
8 VELOCARDIOFACIAL SYNDROME. (a) The commission shall ensure that
9 each health and human services agency that provides intervention
10 services to young children is provided with information developed
11 by the commission regarding velocardiofacial syndrome.

12 (b) Each health and human services agency described by
13 Subsection (a) shall provide the information regarding
14 velocardiofacial syndrome to appropriate health care coordinators
15 and therapists and to parents of a child who is known by the agency
16 to have at least two of the following conditions:

- 17 (1) hypotonicity;
- 18 (2) communication delay;
- 19 (3) articulation disorder;
- 20 (4) resonance disorder;
- 21 (5) nasal regurgitation during feeding as an infant
22 with no history of a cleft palate;
- 23 (6) recurrent ear infections as well as diagnosis of
24 cardiac anomaly, feeding disorder, cleft palate, or submucosal
25 cleft palate; or
- 26 (7) fine motor or gross motor skills delay.

27 (c) The commission shall develop the information required

under Subsection (a) using medically accurate, peer-reviewed literature. The information must include:

(1) an explanation of velocardiofacial syndrome symptoms, diagnosis, and treatment options;

(2) information on relevant state agency and nonprofit resources, parent support groups, and available Medicaid waiver programs; and

(3) a recommendation for follow-up with a health care provider for evaluation of the underlying etiology and an explanation that the existence of any of the conditions listed in Subsection (b) will not necessarily result in a diagnosis of velocardiofacial syndrome.

(d) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 5. The following provisions of the Human Resources Code are repealed:

(1) the heading to Chapter 117;

(2) the heading to Subchapter D, Chapter 117;

(3) Subchapters A, B, and C, Chapter 117; and

(4) Sections 117.071, 117.072, 117.073, and 117.074.

SECTION 6. On the effective date of this Act, the Department of Assistive and Rehabilitative Services is abolished.

SECTION 7. (a) On the effective date of this Act, the following are transferred from the Department of Assistive and Rehabilitative Services to the Department of State Health Services:

(1) the powers, duties, functions, programs, and activities of the Department of Assistive and Rehabilitative

1 Services relating to the provision of early childhood intervention
2 services;

3 (2) all obligations and contracts of the Department of
4 Assistive and Rehabilitative Services that are related to a power,
5 duty, function, program, or activity transferred under this
6 subsection;

7 (3) all property and records in the custody of the
8 Department of Assistive and Rehabilitative Services that are
9 related to a power, duty, function, program, or activity
10 transferred under this subsection and all funds appropriated by the
11 legislature for that power, duty, function, program, or activity;
12 and

13 (4) all personnel of the Department of Assistive and
14 Rehabilitative Services whose functions predominantly involve
15 powers, duties, obligations, functions, and activities transferred
16 under this subsection.

17 (b) A rule or form adopted by the executive commissioner of
18 the Health and Human Services Commission or the Department of
19 Assistive and Rehabilitative Services, as applicable, that relates
20 to a power, duty, function, program, or activity transferred under
21 Subsection (a) of this section is a rule or form applicable to the
22 Department of State Health Services and remains in effect until
23 altered.

24 (c) A reference in law to the Department of Assistive and
25 Rehabilitative Services that relates to a power, duty, function,
26 program, or activity transferred under Subsection (a) of this
27 section means the Department of State Health Services.

1 SECTION 8. (a) On the effective date of this Act, the
2 following are transferred from the Department of Assistive and
3 Rehabilitative Services to the Department of Aging and Disability
4 Services:

5 (1) the powers, duties, functions, programs, and
6 activities of the Department of Assistive and Rehabilitative
7 Services relating to the provision of rehabilitation and related
8 services to persons who are blind, deaf, or hard of hearing and the
9 provision and coordination of programs for the rehabilitation of
10 persons with disabilities;

11 (2) all obligations and contracts of the Department of
12 Assistive and Rehabilitative Services that are related to a power,
13 duty, function, program, or activity transferred under this
14 subsection;

15 (3) all property and records in the custody of the
16 Department of Assistive and Rehabilitative Services that are
17 related to a power, duty, function, program, or activity
18 transferred under this subsection and all funds appropriated by the
19 legislature for that power, duty, function, program, or activity;
20 and

21 (4) all personnel of the Department of Assistive and
22 Rehabilitative Services whose functions predominantly involve
23 powers, duties, obligations, functions, and activities transferred
24 under this subsection.

25 (b) A rule or form adopted by the executive commissioner of
26 the Health and Human Services Commission or the Department of
27 Assistive and Rehabilitative Services, as applicable, that relates

1 to a power, duty, function, program, or activity transferred under
2 Subsection (a) of this section is a rule or form applicable to the
3 Department of Aging and Disability Services and remains in effect
4 until altered.

5 (c) A reference in law to the Department of Assistive and
6 Rehabilitative Services that relates to a power, duty, function,
7 program, or activity transferred under Subsection (a) of this
8 section means the Department of Aging and Disability Services.

9 SECTION 9. This Act takes effect September 1, 2012.