

BILL ANALYSIS

S.B. 45
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Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Historically, persons with disabilities have been denied certain rights and opportunities many Texans take for granted, such as access to education, community-based housing, and employment at living wages. While much progress has been made on the education and housing fronts, interested parties assert that very little progress has been made in ensuring that certain persons with disabilities have access to meaningful employment opportunities. Many adults with disabilities live at home with caregivers, typically their parents or other family members. The parties observe that, once a person with disabilities finishes school, there are not many services available to help transition the person from an educational setting to a work setting. Failure to make this transition can result in the person becoming more and more isolated at home and lead to social, physical, and cognitive regression. This situation can also be difficult for the person's family and caregivers. Many family members have reported that they were forced to leave their jobs in order to provide support and care for a loved one with disabilities who remains home during the day.

While some Medicaid waiver programs provide services to help persons with disabilities find meaningful employment, few programs provide comprehensive employment services to help persons locate paid employment in the community and supported employment services to help a person maintain a job once they find one. S.B. 45 seeks to provide a policy framework to help persons with disabilities gain integrated employment and remove barriers to employment by providing services and supports such as transportation and flexible options for on the job support.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 45 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to provide employment assistance and supported employment to participants in the following Medicaid waiver programs: the community based alternatives program; the community living assistance and support services program; the deaf-blind with multiple disabilities program; the home and community-based services program; the medically dependent children program; the STAR + PLUS Medicaid managed care program; the Texas home living program; and the youth empowerment services program. The bill defines "employment assistance" as assistance provided to an individual to help the individual locate paid employment in the community and specifies that the term includes identifying an individual's employment preferences, job skills, and requirements for a work setting and work conditions; locating prospective employers offering employment compatible with an individual's identified preferences, skills, and requirements; and contacting a prospective employer on behalf of an individual and negotiating the individual's employment. The bill defines "supported employment" as assistance provided, in order to sustain paid employment, to an individual who,

because of a disability, requires intensive, ongoing support to be self-employed, work from home, or perform in a work setting at which individuals without disabilities are employed and specifies that the term includes adaptations, supervision, and training related to an individual's diagnosis. The bill requires HHSC to apply for any waiver or other authorization necessary to implement the bill's provisions as soon as possible after the bill's effective date and authorizes HHSC to delay implementing the provisions until the waiver or authorization is granted.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.