

By: King of Taylor

H.B. No. 2835

A BILL TO BE ENTITLED

AN ACT

relating to the name of the program serving certain persons with special health care needs and prioritizing services provided under the program.

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

SECTION 1. The legislature finds that:

(1) when proposing, adopting, or amending the rules of the Department of State Health Services, or the Health and Human Services Commission and when publishing new or amended reference materials, publications, or electronic media, the name of the Children with Special Health Care Needs Services Program should be changed to accurately reflect that the program provides services to persons other than children, including persons 21 years of age and older who have cystic fibrosis;

(2) as of January 31, 2015, persons not lawfully present in the United States constituted two-thirds the total number of persons served by the program;

(3) as of January 31, 2015, the program's waiting list for services consisted of 178 persons, more than half of whom were identified as persons not lawfully present in the United States;

(4) if because of financial limitations the program is unable to serve all persons eligible for services under the program, some persons placed on the program's waiting list may not receive the services;

(5) the only authority the state may exercise to address the limited availability of services when financial limitations exist is for the state to give priority for services to citizens of the United States who are on the program's waiting list; and

(6) it is the policy of this state that, when financial limitations restrict the number of persons served by the program, citizens of the United States who are on the program's waiting list for services should be given priority over persons not lawfully present in the United States.

SECTION 2. The heading to Chapter 35, Health and Safety Code, is amended to read as follows:

CHAPTER 35. TEXAS [~~CHILDREN WITH~~] SPECIAL HEALTH CARE NEEDS PROGRAM

SECTION 3. Section 35.001, Health and Safety Code, is amended to read as follows:

Sec. 35.001. SHORT TITLE; REFERENCE IN OTHER LAW. (a) This chapter may be cited as the Texas [~~Children with~~] Special Health Care Needs Program [~~Services~~] Act.

(b) A reference in other law to the Children with Special Health Care Needs Services Program means the program administered under this chapter.

SECTION 4. Section 35.0021, Health and Safety Code, is amended by adding Subdivision (6-a) and amending Subdivision (8) to read as follows:

(6-a) "Person with special health care needs" has the meaning assigned by Section 35.0022.

(8) "Program" means the services program for persons

1 ~~[children]~~ with special health care needs.

2 SECTION 5. Section 35.0022, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 35.0022. PERSON [~~CHILD~~] WITH SPECIAL HEALTH CARE
5 NEEDS. (a) In this chapter, "person [~~child~~] with special health
6 care needs" means a person who:

7 (1) is younger than 21 years of age and who has a
8 chronic physical or developmental condition; or

9 (2) has cystic fibrosis, regardless of the person's
10 age.

11 (b) The term "person [~~child~~] with special health care
12 needs" may include a person who has a behavioral or emotional
13 condition that accompanies the person's physical or developmental
14 condition. The term does not include a person who has a behavioral
15 or emotional condition without having an accompanying physical or
16 developmental condition.

17 (c) A reference in this chapter to a "child with special
18 health care needs" means a "person with special health care needs"
19 and a reference to a "child" means a "person."

20 SECTION 6. The heading to Section 35.003, Health and Safety
21 Code, is amended to read as follows:

22 Sec. 35.003. SERVICES PROGRAM FOR PERSONS [~~CHILDREN~~] WITH
23 SPECIAL HEALTH CARE NEEDS.

24 SECTION 7. Section 35.003, Health and Safety Code, is
25 amended by amending Subsections (a) and (d) and adding Subsection
26 (c-1) to read as follows:

27 (a) The program is in the department to provide services to

1 eligible persons [~~children~~] with special health care needs. The
2 program shall provide:

3 (1) early identification of persons [~~children~~] with
4 special health care needs;

5 (2) diagnosis and evaluation of persons [~~children~~]
6 with special health care needs;

7 (3) rehabilitation services to persons [~~children~~]
8 with special health care needs;

9 (4) development and improvement of standards and
10 services for persons [~~children~~] with special health care needs;

11 (5) case management services;

12 (6) other family support services; and

13 (7) access to health benefits plan coverage under
14 Section 35.0031.

15 (c-1) To the extent allowed by federal law, the executive
16 commissioner shall adopt rules requiring the department to give
17 priority for services provided under the program to an eligible
18 person who is placed on a waiting list under Subsection (c) based on
19 the following criteria in order of importance:

20 (1) the acuity of the person's medical condition;

21 (2) whether the person is a United States citizen or a
22 qualified alien as that term is defined by 8 U.S.C. Section 1641(b);

23 (3) the amount of time the person has been on the
24 waiting list; and

25 (4) any other factors considered relevant by the
26 department.

27 (d) The program may provide:

1 (1) transportation and subsistence for an eligible
2 person [~~child~~] with special health care needs and the person's
3 [~~child's~~] parent, managing conservator, guardian, or other adult
4 caretaker approved by the program to obtain services provided by
5 the program; and

6 (2) the following services to an eligible person
7 [~~child~~] with special health care needs who dies in an approved
8 facility outside the person's [~~child's~~] municipality of residence
9 while receiving program services:

10 (A) the transportation of the person's [~~child's~~]
11 remains, and the transportation of a parent or other person
12 accompanying the remains, from the facility to the place of burial
13 in this state that is designated by the parent or other person
14 legally responsible for interment;

15 (B) the expense of embalming, if required for
16 transportation;

17 (C) the cost of a coffin purchased at a minimum
18 price, if a coffin is required for transportation; and

19 (D) any other necessary expenses directly
20 related to the care and return of the person's [~~child's~~] remains to
21 the place of burial in this state.

22 SECTION 8. The changes in law made by this Act apply to an
23 eligible person placed on a waiting list under Section 35.003(c),
24 Health and Safety Code, following an initial determination or
25 redetermination of the person's eligibility for services under
26 Chapter 35, Health and Safety Code, that is made on or after the
27 effective date of this Act.

1 SECTION 9. Not later than September 1, 2019, the name of the
2 Children with Special Health Care Needs Program operated under
3 Chapter 35, Health and Safety Code, must be updated in applicable
4 rules and reference materials, publications, and electronic media
5 to reflect the change in law made by this Act. Before that date, the
6 name of the program must be changed in applicable rules and
7 reference materials, publications, and electronic media only when
8 proposing, adopting, or amending the rules and when publishing new
9 or amended reference materials, publications, or electronic media.

10 SECTION 10. This Act takes effect September 1, 2015.