

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) 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; and

(4) it is the policy of this state that 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 [~~children~~] with special health care needs.

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

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

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

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

(b) The term "person [~~child~~] with special health care needs" may include a person who has a behavioral or emotional

condition that accompanies the person's physical or developmental condition. The term does not include a person who has a behavioral or emotional condition without having an accompanying physical or developmental condition.

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

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

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

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

(a) The program is in the department to provide services to eligible persons [~~children~~] with special health care needs. The program shall provide:

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

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

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

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

(5) case management services;

(6) other family support services; and

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

(c-1) To the extent allowed by federal law, the department shall give priority for services provided under the program to an eligible person who is placed on a waiting list under Subsection (c) and who provides proof that the person is a United States citizen or is a qualified alien as that term is defined by 8 U.S.C. Section 1641(b). The executive commissioner shall adopt rules to implement this subsection.

(d) The program may provide:

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

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

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

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

(C) the cost of a coffin purchased at a minimum

1 price, if a coffin is required for transportation; and

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

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

11 SECTION 9. This Act takes effect September 1, 2015.