

By: Campbell, et al.

S.B. No. 205

A BILL TO BE ENTITLED

AN ACT

relating to the functions of the Department of Assistive and Rehabilitative Services.

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

SECTION 1. Section 117.001, Human Resources Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (1-b), (4-a), and (4-b) to read as follows:

(1) "Caseworker" means a department employee who manages a client's case under a direct services program and provides direct services to the client under the program.

(1-a) "Center for independent living" has the meaning assigned by Section 702 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796a).

(1-b) "Commission" means the Health and Human Services Commission.

(4-a) "Direct services" means services provided to a client by a department employee, including counseling, facilitating the purchase of services from a source other than the department, and purchasing equipment and other items and providing other services necessary for the client to successfully complete a department program.

(4-b) "Direct services program" means a program operated by the department through which direct services are provided.

1 SECTION 2. Subchapter D, Chapter 117, Human Resources Code,  
2 is amended by adding Sections 117.079, 117.080, 117.081, and  
3 117.082 to read as follows:

4 Sec. 117.079. INTEGRATION OF INDEPENDENT LIVING SERVICES  
5 PROGRAMS. (a) Not later than September 1, 2016, the department  
6 shall integrate into a single independent living services program  
7 the following programs that the department operates under Title VII  
8 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796 et  
9 seq.):

10 (1) the Independent Living Program for individuals who  
11 are blind or have visual impairments; and

12 (2) the Independent Living Services Program for  
13 individuals with significant disabilities.

14 (b) The executive commissioner shall adopt any rules  
15 necessary to facilitate the integration of the programs identified  
16 in Subsection (a), including rules that direct the department, as  
17 the single designated state entity responsible for administering  
18 the state's independent living services program, to comply with the  
19 requirements of 29 U.S.C. Section 796c for the integrated program.

20 (c) This section expires September 1, 2017.

21 Sec. 117.080. PROVISION OF INDEPENDENT LIVING SERVICES.

22 (a) The department shall ensure that all services provided under  
23 the independent living services program that the department  
24 operates under Title VII of the federal Rehabilitation Act of 1973  
25 (29 U.S.C. Section 796 et seq.) are directly provided by centers for  
26 independent living, except as provided by Subsection (b), and are  
27 not directly provided by the department.

1       (b) If an area of the state does not have a center for  
2 independent living, or no center for independent living in that  
3 area is able to provide certain necessary services under the  
4 independent living services program, the department shall seek to  
5 identify a center for independent living that is willing and able to  
6 contract with a nonprofit organization or other person to provide  
7 the independent living services in the area under the program. If  
8 no center for independent living is willing and able to contract  
9 with another organization or other person, the department may  
10 directly contract with an organization or other person who is not a  
11 center for independent living to provide the independent living  
12 services in the area under the program.

13       (c) The department shall evaluate the independent living  
14 services provided by a center for independent living and shall  
15 provide necessary training or technical assistance to help the  
16 center for independent living expand its capacity to provide a full  
17 range of independent living services.

18       (d) The department shall monitor the performance of each  
19 center for independent living in providing independent living  
20 services, including how the center for independent living monitors  
21 the performance of the organizations and other persons with whom it  
22 contracts to provide independent living services.

23       (e) The executive commissioner shall adopt rules to  
24 implement this section that include:

25               (1) an equitable and transparent methodology for  
26 allocating funds to centers for independent living under the  
27 independent living services program;

1           (2) requirements applicable to the department in  
2 contracting with centers for independent living to provide  
3 independent living services under the program;

4           (3) requirements applicable to centers for  
5 independent living in contracting with organizations and other  
6 persons to provide independent living services under the program;

7           (4) requirements applicable to the department in  
8 contracting with organizations or other persons who are not centers  
9 for independent living to provide independent living services under  
10 the program;

11           (5) a process for the department to monitor  
12 independent living services contracts;

13           (6) guidelines on the department's role in providing  
14 technical assistance and training to centers for independent living  
15 as necessary; and

16           (7) expectations for department employees to refer  
17 persons who contact the department seeking independent living  
18 services to centers for independent living.

19           (f) Notwithstanding the requirements of this section, the  
20 department shall ensure that services provided under the  
21 independent living services program are provided as required by  
22 this section not later than August 31, 2016. This subsection  
23 expires September 1, 2017.

24           Sec. 117.081. COMPREHENSIVE REHABILITATION SERVICES  
25 PROGRAM. The department shall operate a comprehensive  
26 rehabilitation services program to provide comprehensive  
27 rehabilitation services to persons with traumatic brain or spinal

1 cord injuries. The executive commissioner shall adopt rules for  
2 the program that include:

3 (1) a system of organization for the delivery of the  
4 comprehensive rehabilitation services;

5 (2) eligibility requirements for the comprehensive  
6 rehabilitation services;

7 (3) the types of services that may be provided to a  
8 client under the program; and

9 (4) requirements for client participation in the costs  
10 of the comprehensive rehabilitation services.

11 Sec. 117.082. CHILDREN'S AUTISM PROGRAM. The department  
12 shall operate a children's autism program to provide services to  
13 children with autism spectrum disorders. The executive  
14 commissioner shall adopt rules for the program that include:

15 (1) a system of organization for the delivery of the  
16 autism services;

17 (2) eligibility requirements for the autism services;

18 (3) the types of services that may be provided to a  
19 client under the program; and

20 (4) requirements for participation by the client's  
21 family in the costs of the autism services.

22 SECTION 3. Chapter 117, Human Resources Code, is amended by  
23 adding Subchapter E to read as follows:

24 SUBCHAPTER E. ADMINISTRATION OF DIRECT SERVICES PROGRAMS IN  
25 GENERAL

26 Sec. 117.091. DIRECT SERVICES PROGRAM CASEWORKER  
27 GUIDELINES. (a) The department shall use program data and best

1 practices to establish and maintain guidelines that provide  
2 direction for caseworkers' decisions in all of the department's  
3 direct services programs. The guidelines:

4 (1) must categorize direct services program cases  
5 based on the types of services provided and, for each category,  
6 include provisions addressing:

7 (A) the recommended length of time a case in that  
8 category should last; and

9 (B) the recommended total expenditures for a case  
10 in that category;

11 (2) must include provisions for creating intermediate  
12 goals for a client receiving services through a direct services  
13 program that will allow:

14 (A) the caseworker to monitor the client's  
15 progress; and

16 (B) the caseworker's supervisor to evaluate how  
17 the client's case is advancing;

18 (3) must include criteria for caseworkers to use in  
19 evaluating progress on the intermediate goals described in  
20 Subdivision (2); and

21 (4) may include other provisions designed to assist  
22 caseworkers and their supervisors to achieve successful outcomes  
23 for clients.

24 (b) A caseworker may exceed the recommended guidelines  
25 described in Subsection (a)(1) in a direct services program case  
26 but must obtain the approval of the caseworker's supervisor after  
27 documenting the need to exceed the guidelines.

1        (c) The guidelines established under this section are not  
2 intended to limit the provision of appropriate or necessary  
3 services to a client.

4        (d) The department shall provide the guidelines established  
5 under this section to caseworkers in a format that allows  
6 caseworkers to easily access the information.

7        Sec. 117.092. DIRECT SERVICES PROGRAM CASE REVIEW SYSTEM.

8        (a) The department shall establish and maintain a single, uniform  
9 case review system for all direct services programs.

10        (b) The case review system must:

11                (1) include risk assessment tools that account for the  
12 different risks involved in each direct services program;

13                (2) require that case reviews:

14                        (A) be used to consistently evaluate each direct  
15 services program across all regions, with the goal of evaluating at  
16 least 10 percent of all cases in each program and region annually;

17                        (B) focus on areas of highest risk and prioritize  
18 the review of the following cases:

19                                (i) except as provided by Subparagraph  
20 (ii), cases in which direct services have been provided for more  
21 than two years;

22                                (ii) cases in the Blind Children's  
23 Vocational Discovery and Development Program in which direct  
24 services have been provided for more than five years; and

25                                (iii) cases that are significantly outside  
26 the expenditure guidelines for that type of case;

27                                (C) be used to evaluate a caseworker's

1 eligibility determinations and decisions to close a case before a  
2 service plan is developed or without the client reaching the  
3 client's goal; and

4 (D) focus on the quality of a caseworker's  
5 decision-making and compliance with program requirements; and

6 (3) require a caseworker's supervisor to use the  
7 reviews of a caseworker's cases in conducting the caseworker's  
8 performance evaluation and in providing informal guidance to the  
9 caseworker to improve the caseworker's performance.

10 Sec. 117.093. DIRECT SERVICES PROGRAM MONITORING. (a)  
11 Department personnel not employed to perform functions directly  
12 under a direct services program must be designated to monitor those  
13 programs from a statewide perspective. The designated personnel  
14 shall collect, monitor, and analyze data relating to direct  
15 services programs and report outcomes and trends to program  
16 managers and, as necessary, the commissioner or other appropriate  
17 executive management.

18 (b) The monitoring function under Subsection (a) must  
19 include monitoring of:

20 (1) performance data from all regions and all direct  
21 services programs to identify trends; and

22 (2) case review data to ensure compliance with the  
23 case review system under Section 117.092.

24 (c) Personnel designated to perform the monitoring function  
25 required by this section shall work with direct services program  
26 staff to develop objective and detailed outcome measures for the  
27 programs.



1        (d) The department may conduct internal peer reviews of the  
2 department's field offices at regular intervals to assess the field  
3 offices' compliance with federal regulations and department  
4 policies and to compare each field office's compliance with the  
5 compliance of the other field offices. The department may use  
6 personnel designated to perform the monitoring function required by  
7 this section to facilitate the internal peer reviews.

8        SECTION 4. Sections 91.022 and 111.071, Human Resources  
9 Code, are repealed.

10        SECTION 5. The executive commissioner of the Health and  
11 Human Services Commission shall adopt the rules required by Section  
12 117.080(e), Human Resources Code, as added by this Act, as soon as  
13 practicable after the effective date of this Act.

14        SECTION 6. If before implementing any provision of this Act  
15 a state agency determines that a waiver or authorization from a  
16 federal agency is necessary for implementation of that provision,  
17 the agency affected by the provision shall request the waiver or  
18 authorization and may delay implementing that provision until the  
19 waiver or authorization is granted.

20        SECTION 7. This Act takes effect September 1, 2015.