

SENATE AMENDMENTS

2nd Printing

By: Raymond, Burkett, Price

H.B. No. 2463

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and 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.

SECTION 2. (a) Section 117.003, Human Resources Code, is amended to read as follows:

Sec. 117.003. SUNSET PROVISION. The Department of Assistive and Rehabilitative Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [~~2015~~].

(b) This section takes effect only if H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, providing for the transfer of the functions of the Department of Assistive and Rehabilitative Services to the Health and Human Services Commission is not enacted or does not become law. If H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, is enacted, becomes law, and provides for the transfer of the department's functions to the commission, this section has no effect.

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

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

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

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

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

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

10 Sec. 117.080. PROVISION OF INDEPENDENT LIVING SERVICES.

11 (a) The department shall ensure that all services provided under
12 the independent living services program that the department
13 operates under Title VII of the federal Rehabilitation Act of 1973
14 (29 U.S.C. Section 796 et seq.) are directly provided by centers for
15 independent living, except as provided by Subsection (b), and are
16 not directly provided by the department.

17 (b) If an area of the state does not have a center for
18 independent living, or no center for independent living in that
19 area is able to provide certain necessary services under the
20 independent living services program, the department shall seek to
21 identify a center for independent living that is willing and able to
22 contract with a nonprofit organization or other person to provide
23 the independent living services in the area under the program. If
24 no center for independent living is willing and able to contract
25 with another organization or other person, the department may
26 directly contract with an organization or other person who is not a
27 center for independent living to provide the independent living

1 services in the area under the program.

2 (c) The department shall evaluate the independent living
3 services provided by a center for independent living and shall
4 provide necessary training or technical assistance to help the
5 center for independent living expand its capacity to provide a full
6 range of independent living services.

7 (d) The department shall monitor the performance of each
8 center for independent living in providing independent living
9 services, including how the center for independent living monitors
10 the performance of the organizations and other persons with whom it
11 contracts to provide independent living services.

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

14 (1) an equitable and transparent methodology for
15 allocating funds to centers for independent living under the
16 independent living services program;

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

20 (3) requirements applicable to centers for
21 independent living in contracting with organizations and other
22 persons to provide independent living services under the program;

23 (4) requirements applicable to the department in
24 contracting with organizations or other persons who are not centers
25 for independent living to provide independent living services under
26 the program;

27 (5) a process for the department to monitor

1 independent living services contracts;

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

5 (7) expectations for department employees to refer
6 persons who contact the department seeking independent living
7 services to centers for independent living.

8 (f) Notwithstanding the requirements of this section, the
9 department shall ensure that services provided under the
10 independent living services program are provided as required by
11 this section not later than August 31, 2016. This subsection
12 expires September 1, 2017.

13 Sec. 117.081. COMPREHENSIVE REHABILITATION SERVICES
14 PROGRAM. The department shall operate a comprehensive
15 rehabilitation services program to provide comprehensive
16 rehabilitation services to persons with traumatic brain or spinal
17 cord injuries. The executive commissioner shall adopt rules for
18 the program that include:

19 (1) a system of organization for the delivery of the
20 comprehensive rehabilitation services;

21 (2) eligibility requirements for the comprehensive
22 rehabilitation services;

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

25 (4) requirements for client participation in the costs
26 of the comprehensive rehabilitation services.

27 Sec. 117.082. CHILDREN'S AUTISM PROGRAM. The department

1 shall operate a children's autism program to provide services to
2 children with autism spectrum disorders. The executive
3 commissioner shall adopt rules for the program that include:

4 (1) a system of organization for the delivery of the
5 autism services;

6 (2) eligibility requirements for the autism services;

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

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

11 SECTION 4. Chapter 117, Human Resources Code, is amended by
12 adding Subchapter D-1 to read as follows:

13 SUBCHAPTER D-1. ADMINISTRATION OF DIRECT SERVICES PROGRAMS IN

14 GENERAL

15 Sec. 117.091. DIRECT SERVICES PROGRAM CASEWORKER
16 GUIDELINES. (a) The department shall use program data and best
17 practices to establish and maintain guidelines that provide
18 direction for caseworkers' decisions in all of the department's
19 direct services programs. The guidelines:

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

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

25 (B) the recommended total expenditures for a case
26 in that category;

27 (2) must include provisions for creating intermediate

goals for a client receiving services through a direct services program that will allow:

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

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

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

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

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

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

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

Sec. 117.092. DIRECT SERVICES PROGRAM CASE REVIEW SYSTEM.

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

(b) The case review system must:

(1) include risk assessment tools that account for the

different risks involved in each direct services program;

(2) require that case reviews:

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

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

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

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

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

(C) be used to evaluate a caseworker's eligibility determinations and decisions to close a case before a service plan is developed or without the client reaching the client's goal; and

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

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

Sec. 117.093. DIRECT SERVICES PROGRAM MONITORING. (a) Department personnel not employed to perform functions directly

1 under a direct services program must be designated to monitor those
2 programs from a statewide perspective. The designated personnel
3 shall collect, monitor, and analyze data relating to direct
4 services programs and report outcomes and trends to program
5 managers and, as necessary, the commissioner or other appropriate
6 executive management.

7 (b) The monitoring function under Subsection (a) must
8 include monitoring of:

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

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

13 (c) Personnel designated to perform the monitoring function
14 required by this section shall work with direct services program
15 staff to develop objective and detailed outcome measures for the
16 programs.

17 (d) The department may conduct internal peer reviews of the
18 department's field offices at regular intervals to assess the field
19 offices' compliance with federal regulations and department
20 policies and to compare each field office's compliance with the
21 compliance of the other field offices. The department may use
22 personnel designated to perform the monitoring function required by
23 this section to facilitate the internal peer reviews.

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

26 (1) Section 91.022, as amended by S.B. No. 219, Acts
27 of the 84th Legislature, Regular Session, 2015; and

1 (2) Section 117.153, as redesignated and amended by
2 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015.

3 SECTION 6. The executive commissioner of the Health and
4 Human Services Commission shall adopt the rules required by Section
5 117.080(e), Human Resources Code, as added by this Act, as soon as
6 practicable after the effective date of this Act.

7 SECTION 7. If before implementing any provision of this Act
8 a state agency determines that a waiver or authorization from a
9 federal agency is necessary for implementation of that provision,
10 the agency affected by the provision shall request the waiver or
11 authorization and may delay implementing that provision until the
12 waiver or authorization is granted.

13 SECTION 8. Except as otherwise provided by this Act, this
14 Act takes effect September 1, 2015.

ADOPTED

MAY 22 2015

Leta Saw
Secretary of the Senate

By: *Campbell*

H.B. No. 2463

Substitute the following for H.B. No. 2463

By: *Campbell*

C.S. H.B. No. 2463

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation of the functions of the Department of
3 Assistive and Rehabilitative Services and certain other functions.

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

5 SECTION 1. Section 117.001, Human Resources Code, is
6 amended by amending Subdivision (1) and adding Subdivisions (1-a),
7 (1-b), (4-a), and (4-b) to read as follows:

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

11 (1-a) "Center for independent living" has the meaning
12 assigned by Section 702 of the federal Rehabilitation Act of 1973
13 (29 U.S.C. Section 796a).

14 (1-b) "Commission" means the Health and Human Services
15 Commission.

16 (4-a) "Direct services" means services provided to a
17 client by a department employee, including counseling,
18 facilitating the purchase of services from a source other than the
19 department, and purchasing equipment and other items and providing
20 other services necessary for the client to successfully complete a
21 department program.

22 (4-b) "Direct services program" means a program
23 operated by the department through which direct services are
24 provided.

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

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

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

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

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

(c) This section expires September 1, 2017.

Sec. 117.080. PROVISION OF INDEPENDENT LIVING SERVICES.

(a) The department shall ensure that all services provided under the independent living services program that the department operates under Title VII of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796 et seq.) are directly provided by centers for independent living, except as provided by Subsection (b), and are 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:

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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 D-1 to read as follows:

24 SUBCHAPTER D-1. 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. (a) Subchapter A, Chapter 117, Human Resources
9 Code, is amended by adding Sections 117.004 and 117.005 to read as
10 follows:

11 Sec. 117.004. INAPPLICABILITY OF CERTAIN LAW.
12 Notwithstanding Section 117.003, Section 325.017, Government Code,
13 does not apply to the department.

14 Sec. 117.005. MEANING OF CERTAIN REFERENCES IN LAW. (a) A
15 reference in this chapter or in any other law to the department in
16 relation to a function transferred to the commission under Section
17 117.012 means the commission or the division of the commission
18 performing the function after its transfer.

19 (b) In this chapter or in any other law and notwithstanding
20 any other law, a reference to any of the following state agencies or
21 entities or to the chief executive officer or governing body of any
22 of the following state agencies or entities in relation to a
23 function transferred to the commission under Section 117.012 from
24 the department that the department assumed in accordance with
25 Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular
26 Session, 2003, means the executive commissioner, the commission, or
27 the division of the commission performing the function after its

1 transfer to the commission:

2 (1) the Texas Rehabilitation Commission;

3 (2) the Interagency Council on Early Childhood
4 Intervention;

5 (3) the Texas Commission for the Blind; and

6 (4) the Texas Commission for the Deaf and Hard of
7 Hearing.

8 (c) A reference in this chapter or in any other law to the
9 commissioner in relation to a function transferred to the
10 commission under Section 117.012 means the executive commissioner,
11 the executive commissioner's designee, or the director of the
12 division of the commission performing the function after its
13 transfer.

14 (d) A reference in this chapter or in any other law to the
15 council in relation to a function after its transfer to the
16 commission under Section 117.012 means the executive commissioner
17 or the executive commissioner's designee, as appropriate, and a
18 function previously performed by the council is a function of that
19 appropriate person.

20 (b) Chapter 117, Human Resources Code, is amended by adding
21 Subchapter A-1 to read as follows:

22 SUBCHAPTER A-1. TRANSFER OF ASSISTIVE AND REHABILITATIVE SERVICES
23 TO COMMISSION

24 Sec. 117.011. DEFINITIONS. In this subchapter:

25 (1) "Administrative support services" has the meaning
26 assigned by Section 531.0055(d), Government Code.

27 (2) "Function" includes a power, duty, program, or

1 activity of a state agency or entity.

2 Sec. 117.012. TRANSFER OF ASSISTIVE AND REHABILITATIVE
3 SERVICES TO COMMISSION. (a) Not later than September 1, 2016, and
4 subject to Subsection (b), all functions of the department and
5 council, including administrative support services functions, are
6 transferred to the commission as provided by this subchapter.

7 (b) If S.B. 208, H.B. 3294, or similar legislation of the
8 84th Legislature, Regular Session, 2015, is enacted and becomes law
9 and provides for the transfer of certain department functions to an
10 entity other than the commission, the functions transfer as
11 provided by that legislation and are not subject to transfer under
12 Subsection (a).

13 Sec. 117.013. EFFECT OF TRANSFERS. (a) All of the
14 following that relate to a function that is transferred to the
15 commission under Section 117.012 are transferred to the commission
16 on the date the related function is transferred to the commission:

17 (1) all obligations and contracts, including
18 obligations and contracts related to a grant program;

19 (2) all property and records in the custody of the
20 department or council from which the function is transferred;

21 (3) all funds appropriated by the legislature and
22 other money;

23 (4) all complaints, investigations, or contested
24 cases that are pending before the department or the commissioner,
25 without change in status; and

26 (5) all necessary personnel, as determined by the
27 executive commissioner.

1 (b) A rule, policy, or form adopted by or on behalf of the
2 department or council that relates to a function that is
3 transferred to the commission under Section 117.012 becomes a rule,
4 policy, or form of the commission on transfer of the related
5 function and remains in effect:

6 (1) until altered by the executive commissioner or
7 commission, as appropriate; or

8 (2) unless it conflicts with a rule, policy, or form of
9 the commission.

10 (c) A license, permit, or certification in effect that was
11 issued by the department that relates to a function that is
12 transferred to the commission under Section 117.012 is continued in
13 effect as a license, permit, or certification of the commission on
14 transfer of the related function until the license, permit, or
15 certification expires, is suspended or revoked, or otherwise
16 becomes invalid.

17 Sec. 117.014. APPLICABILITY OF FORMER LAW. An action
18 brought or proceeding commenced before the date of a transfer
19 prescribed by this subchapter, including a contested case or a
20 remand of an action or proceeding by a reviewing court, is governed
21 by the laws and rules applicable to the action or proceeding before
22 the transfer.

23 Sec. 117.015. AUTHORITY OF DEPARTMENT. The powers and
24 authority of the department with respect to a function are not
25 reduced or otherwise limited until the date the function is
26 transferred in accordance with this subchapter or other law,
27 notwithstanding Section 117.003 or any other law.

1 Sec. 117.016. EXPIRATION OF SUBCHAPTER. This subchapter
2 expires September 1, 2019.

3 (c) Section 117.003, Human Resources Code, is amended to
4 read as follows:

5 Sec. 117.003. SUNSET PROVISION. The Department of
6 Assistive and Rehabilitative Services is subject to Chapter 325,
7 Government Code (Texas Sunset Act). Unless continued in existence
8 as provided by that chapter, the department is abolished [~~and this~~
9 ~~chapter expires~~] September 1, 2015.

10 (d) As soon as appropriate under Subchapter A-1, Chapter
11 117, Human Resources Code, as added by this section, and in a manner
12 that minimizes disruption of services, the Health and Human
13 Services Commission shall take appropriate action to be designated
14 as the state agency responsible under federal law for any state or
15 federal program that is transferred to the commission in accordance
16 with that subchapter and for which federal law requires the
17 designation of a responsible state agency.

18 (e) Effective September 1, 2016, the following provisions
19 of the Human Resources Code, including provisions amended by S.B.
20 No. 219, Acts of the 84th Legislature, Regular Session, 2015, are
21 repealed:

- 22 (1) Section 117.002;
- 23 (2) Section 117.021;
- 24 (3) Section 117.022;
- 25 (4) Section 117.023;
- 26 (5) Section 117.024;
- 27 (6) Section 117.025;

1 (7) Section 117.026;
2 (8) Section 117.027;
3 (9) Section 117.028;
4 (10) Section 117.029;
5 (11) Section 117.030;
6 (12) Section 117.032;
7 (13) Section 117.051;
8 (14) Section 117.052;
9 (15) Section 117.053;
10 (16) Section 117.054;
11 (17) Section 117.055;
12 (18) Section 117.056;
13 (19) Section 117.0711;
14 (20) Section 117.0712; and
15 (21) Section 117.072.

16 (f) Notwithstanding Subsection (e) of this section, the
17 implementation of a provision repealed by that subsection ceases on
18 the date all functions of the Department of Assistive and
19 Rehabilitative Services or the Assistive and Rehabilitative
20 Services Council are transferred to the Health and Human Services
21 Commission as provided by Subchapter A-1, Chapter 117, Human
22 Resources Code, as added by this section, or to another entity, to
23 the extent the department or council is responsible for the
24 provision's implementation.

25 (g) This section takes effect only if the Department of
26 Assistive and Rehabilitative Services is not continued in existence
27 by any legislation of the 84th Legislature, Regular Session, 2015.

1 SECTION 5. (a) In this section:

2 (1) "Commission" means the Health and Human Services
3 Commission.

4 (2) "Committee" means the Health and Human Services
5 Transition Legislative Oversight Committee established under this
6 section.

7 (3) "Executive commissioner" means the executive
8 commissioner of the Health and Human Services Commission.

9 (4) "Function" includes a power, duty, program, or
10 activity of a state agency or entity.

11 (b) The Health and Human Services Transition Legislative
12 Oversight Committee is created to facilitate the transfer of
13 functions to or from the commission as provided by this Act and
14 other enacted legislation of the 84th Legislature, Regular Session,
15 2015, that becomes law, requiring such a transfer, with minimal
16 negative effect on the delivery of services to which those
17 functions relate.

18 (c) The committee is composed of 11 voting members, as
19 follows:

20 (1) four members of the senate, appointed by the
21 lieutenant governor;

22 (2) four members of the house of representatives,
23 appointed by the speaker of the house of representatives; and

24 (3) three members of the public, appointed by the
25 governor.

26 (d) The executive commissioner serves as an ex officio,
27 nonvoting member of the committee.

1 (e) A member of the committee serves at the pleasure of the
2 appointing official.

3 (f) The lieutenant governor and the speaker of the house of
4 representatives shall each designate a presiding co-chair from
5 among their respective appointments.

6 (g) A member of the committee may not receive compensation
7 for serving on the committee but is entitled to reimbursement for
8 travel expenses incurred by the member while conducting the
9 business of the committee as provided by the General Appropriations
10 Act.

11 (h) The committee shall:

12 (1) facilitate the transfer of functions to the
13 commission prescribed by Subchapter A-1, Chapter 117, Human
14 Resources Code, as added by this Act, and any other transfers
15 described by Subsection (b) of this section, with minimal negative
16 effect on the delivery of services to which those functions relate;

17 (2) with assistance from the commission and the state
18 agencies and entities from which functions are transferred under
19 the laws described under Subdivision (1) of this subsection, advise
20 the executive commissioner concerning:

21 (A) the functions to be transferred and the funds
22 and obligations that are related to the functions;

23 (B) the transfer of the functions and related
24 records, property, funds, and obligations by the state agencies and
25 entities; and

26 (C) any required reorganization of the
27 commission's administrative structure resulting from the

1 transfers; and

2 (3) meet at the call of either chair at times
3 determined appropriate by either chair.

4 (i) Chapter 551, Government Code, applies to the committee.

5 (j) The committee shall submit a report to the governor,
6 lieutenant governor, speaker of the house of representatives, and
7 legislature not later than December 1 of each even-numbered year.
8 The report must include an update on the progress of and issues
9 related to the purposes and duties of the committee.

10 (k) The committee is abolished September 1, 2019.

11 (l) The transfers of functions described by Subsection (b)
12 of this section must be accomplished in accordance with a
13 transition plan developed by the executive commissioner that
14 ensures that the transfers and provision of health and human
15 services in this state are accomplished in a careful and
16 deliberative manner. The transition plan must:

17 (1) include an outline of the proposed organization of
18 the transferred functions in the commission's organizational
19 structure; and

20 (2) include details regarding movement of functions
21 and a timeline that specifies the dates on which transfers are to be
22 made.

23 (m) In developing the transition plan, the executive
24 commissioner shall, before submitting the plan to the committee,
25 the governor, and the Legislative Budget Board as required by
26 Subsection (n) of this section:

27 (1) hold public hearings in various geographic areas

1 in this state regarding the plan; and

2 (2) solicit and consider input from appropriate
3 stakeholders.

4 (n) The executive commissioner shall submit the transition
5 plan to the committee, the governor, and the Legislative Budget
6 Board not later than March 1, 2016. The committee shall comment on
7 and make recommendations to the executive commissioner regarding
8 any concerns or adjustments to the transition plan the committee
9 determines appropriate. The executive commissioner may not
10 finalize the transition plan until the executive commissioner has
11 reviewed and considered the comments and recommendations of the
12 committee regarding the transition plan.

13 (o) The executive commissioner shall publish in the Texas
14 Register:

15 (1) the transition plan developed under this section;

16 (2) any adjustments to the transition plan recommended
17 by the committee;

18 (3) a statement regarding whether the executive
19 commissioner adopted or otherwise incorporated the recommended
20 adjustments; and

21 (4) if the executive commissioner did not adopt a
22 recommended adjustment, the justification for not adopting the
23 adjustment.

24 (p) Not later than October 1, 2015:

25 (1) the lieutenant governor, the speaker of the house
26 of representatives, and the governor shall make the appointments to
27 the committee as required by Subsection (c) of this section; and

1 (2) the lieutenant governor and the speaker of the
2 house of representatives shall each designate a presiding co-chair
3 of the committee in accordance with Subsection (f) of this section.

4 (q) This section takes effect only if the Department of
5 Assistive and Rehabilitative Services is not continued in existence
6 by any legislation of the 84th Legislature, Regular Session, 2015.

7 SECTION 6. The following provisions of the Human Resources
8 Code are repealed:

9 (1) Section 91.022, as amended by S.B. No. 219, Acts
10 of the 84th Legislature, Regular Session, 2015; and

11 (2) Section 117.153, as redesignated and amended by
12 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015.

13 SECTION 7. The executive commissioner of the Health and
14 Human Services Commission shall adopt the rules required by Section
15 117.080(e), Human Resources Code, as added by this Act, as soon as
16 practicable after the effective date of this Act.

17 SECTION 8. If before implementing any provision of this Act
18 a state agency determines that a waiver or authorization from a
19 federal agency is necessary for implementation of that provision,
20 the agency affected by the provision shall request the waiver or
21 authorization and may delay implementing that provision until the
22 waiver or authorization is granted.

23 SECTION 9. Except as otherwise provided by this Act, this
24 Act takes effect September 1, 2015.

ADOPTED

MAY 22 2015

Letay Spaul
Secretary of the Senate

Campbell

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend C.S.H.B. No. 2463 (senate committee report) as
2 follows:

3 (1) In SECTION 4(b) of the bill, adding Subchapter A-1,
4 Chapter 117, Human Resources Code, strike added Section 117.015,
5 Human Resources Code (page 6, lines 1 through 5), and renumber
6 subsequent sections in added Subchapter A-1, Chapter 117, Human
7 Resources Code, and cross-references to those sections
8 accordingly.

9 (2) In SECTION 4(c) of the bill, amending Section 117.003,
10 Human Resources Code (page 6, line 14), strike "2015" and
11 substitute "2016 [~~2015~~]".

12 (3) In SECTION 4 of the bill, strike Subsection (g) (page 6,
13 lines 57 through 59) and substitute the following appropriately
14 lettered subsection:

15 (__) This section takes effect only if S.B. 200 or H.B. 2578,
16 84th Legislature, Regular Session, 2015, does not become law.

17 (4) In SECTION 5 of the bill, strike Subsection (q) (page 8,
18 lines 33 through 35) and substitute the following appropriately
19 lettered subsection:

20 (__) This section takes effect only if S.B. 200 or H.B. 2578,
21 84th Legislature, Regular Session, 2015, does not become law.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2463** by Raymond (Relating to the continuation of the functions of the Department of Assistive and Rehabilitative Services and certain other functions.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2463, As Passed 2nd House: a positive impact of \$70,177 through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$70,177
2018	\$70,177
2019	\$70,177
2020	\$70,177

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2015
2016	\$0	\$0	0.0
2017	\$70,177	\$335,957	(24.0)
2018	\$70,177	\$335,957	(24.0)
2019	\$70,177	\$335,957	(24.0)
2020	\$70,177	\$335,957	(24.0)

Fiscal Analysis

The bill would partially implement the Sunset Advisory Commission recommendations concerning the Department of Assistive and Rehabilitative Services (DARS). The bill would create the Transition Legislative Oversight Committee to facilitate and report on the transfer of functions contained both in the bill and in other health and human service enterprise bills.

The bill would require the integration into one program of the independent living services

program for the blind and independent living services program for those with disabilities other than blindness. By September 1, 2016, integrated program services would be provided solely at centers for independent living, except in areas where a center is not willing or able to provide services, in which case DARS may contract for the services. The bill would grant DARS authorization to provide comprehensive rehabilitation services and autism services. The bill would define the administration of DARS direct services programs, including caseworker guidelines, the creation of a case review system, and program monitoring. The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement the bill as soon as practicable upon effective date. The bill directs that any federal waiver or authorization necessary to implement the provisions of the bill be requested, and authorizes affected agencies to delay implementation of provisions until such waiver or authorization is granted.

The bill would abolish and transfer the functions of DARS that are not transferred in other legislation to HHSC by September 1, 2016, in the event that other legislation consolidating DARS functions does not pass. The bill is effective September 1, 2015.

Methodology

This analysis assumes that appropriations of \$11.6 million per fiscal year for direct staff services currently provided to DARS for the independent living services programs would continue in the form of grants to centers for independent living. This would result in a reduction at DARS of 24 caseworkers beginning in fiscal year 2017. Savings from associated benefits appropriated elsewhere in the budget are based on a DARS average salary and other personnel costs per caseworker of \$49,950 per fiscal year. Savings also accrue from a reduction of the agency 1.5 percent payroll contribution to the Employees Retirement System.

The establishment of the comprehensive rehabilitation program and autism programs in statute codifies existing agency activities and would not cost the state. The additional administrative responsibilities would result in no significant fiscal impact.

Based on the analysis provided by HHSC, the cost of consolidation of DARS functions into HHSC cannot be determined. HHSC anticipates costs and throughout the implementation and operational years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 529 Health and Human Services Commission, 538 Assistive and Rehabilitative Services, Department of
LBB Staff: UP, NB, MB, VJC, WP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 17, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2463** by Raymond (Relating to the continuation of the functions of the Department of Assistive and Rehabilitative Services and certain other functions.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2463, Committee Report 2nd House, Substituted: a positive impact of \$70,177 through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$70,177
2018	\$70,177
2019	\$70,177
2020	\$70,177

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2015
2016	\$0	\$0	0.0
2017	\$70,177	\$335,957	(24.0)
2018	\$70,177	\$335,957	(24.0)
2019	\$70,177	\$335,957	(24.0)
2020	\$70,177	\$335,957	(24.0)

Fiscal Analysis

The bill would partially implement the Sunset Advisory Commission recommendations concerning the Department of Assistive and Rehabilitative Services (DARS). The bill would create the Transition Legislative Oversight Committee to facilitate and report on the transfer of functions contained both in the bill and in other health and human service enterprise bills.

The bill would require the integration into one program of the independent living services program for the blind and independent living services program for those with disabilities other than blindness. By September 1, 2016, integrated program services would be provided solely at centers for independent living, except in areas where a center is not willing or able to provide services, in which case DARS may contract for the services. The bill would grant DARS authorization to provide comprehensive rehabilitation services and autism services. The bill would define the administration of DARS direct services programs, including caseworker guidelines, the creation of a case review system, and program monitoring. The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement the bill as soon as practicable upon effective date. The bill directs that any federal waiver or authorization necessary to implement the provisions of the bill be requested, and authorizes affected agencies to delay implementation of provisions until such waiver or authorization is granted.

The bill would abolish and transfer the functions of DARS that are not transferred in other legislation to HHSC by September 1, 2016, in the event that other legislation continuing DARS functions does not pass. The bill is effective September 1, 2015.

Methodology

This analysis assumes that appropriations of \$11.6 million per fiscal year for direct staff services currently provided to DARS for the independent living services programs would continue in the form of grants to centers for independent living. This would result in a reduction at DARS of 24 caseworkers beginning in fiscal year 2017. Savings from associated benefits appropriated elsewhere in the budget are based on a DARS average salary and other personnel costs per caseworker of \$49,950 per fiscal year. Savings also accrue from a reduction of the agency 1.5 percent payroll contribution to the Employees Retirement System.

The establishment of the comprehensive rehabilitation program and autism programs in statute codifies existing agency activities and would not cost the state. The additional administrative responsibilities would result in no significant fiscal impact.

Based on the analysis provided by HHSC, the cost or savings of consolidation of DARS functions into HHSC cannot be determined; there are both costs and savings that would be incurred, and therefore some elements will net out. HHSC anticipates costs and savings throughout the implementation and operational (maintenance) years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 529 Health and Human Services Commission, 538 Assistive and Rehabilitative Services, Department of

LBB Staff: UP, NB, MB, VJC, WP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 22, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2463 by Raymond (Relating to the continuation and functions of the Department of Assistive and Rehabilitative Services.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2463, As Engrossed: a positive impact of \$70,177 through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$70,177
2018	\$70,177
2019	\$70,177
2020	\$70,177

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2015
2016	\$0	\$0	0.0
2017	\$70,177	\$335,957	(24.0)
2018	\$70,177	\$335,957	(24.0)
2019	\$70,177	\$335,957	(24.0)
2020	\$70,177	\$335,957	(24.0)

Fiscal Analysis

The bill would partially implement the Sunset Advisory Commission recommendations concerning the Department of Assistive and Rehabilitative Services (DARS).

The bill would require the integration into one program the independent living services program for the blind and independent living services program for those with disabilities other than blindness. By August 31, 2016, integrated program services would be provided solely at centers

for independent living, except in areas where a center is not willing or able to provide services, in which case DARS may contract for the services. The bill would grant DARS authorization to provide comprehensive rehabilitation and autism services. The bill would define the administration of DARS direct services programs, including caseworker guidelines, the creation of a case review system, and program monitoring. The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement the bill as soon as practicable upon effective date. The bill directs that any federal waiver or authorization necessary to implement the provisions of the bill be requested, and authorizes affected agencies to delay implementation of provisions until such waiver or authorization is granted.

In the event legislation providing for the transfer of the functions of DARS to HHSC is not enacted or does not become law, the bill would continue the agency's sunset provision until September 1, 2027.

Methodology

This analysis assumes that appropriations of \$11.6 million per fiscal year for direct staff services currently provided to DARS for the independent living services programs would continue in the form of grants to centers for independent living. This would result in a reduction at DARS of 24 caseworkers beginning in fiscal year 2017. Savings from associated benefits appropriated elsewhere in the budget are based on a DARS average salary and other personnel costs per caseworker of \$49,950 per fiscal year. Savings also accrue from a reduction of the agency 1.5 percent payroll contribution to the Employees Retirement System.

The establishment of the comprehensive rehabilitation program and autism programs in statute codifies existing agency activities and would not cost the state. The additional administrative responsibilities would result in no significant fiscal impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 529 Health and Human Services Commission, 538 Assistive and Rehabilitative Services, Department of

LBB Staff: UP, NB, MB, VJC, WP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 24, 2015

TO: Honorable Richard Peña Raymond, Chair, House Committee on Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2463** by Raymond (relating to the continuation and functions of the Department of Assistive and Rehabilitative Services.
) , **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2463, Committee Report 1st House, Substituted: a positive impact of \$70,177 through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$70,177
2018	\$70,177
2019	\$70,177
2020	\$70,177

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2015
2016	\$0	\$0	0.0
2017	\$70,177	\$335,957	(24.0)
2018	\$70,177	\$335,957	(24.0)
2019	\$70,177	\$335,957	(24.0)
2020	\$70,177	\$335,957	(24.0)

Fiscal Analysis

The bill would partially implement the Sunset Advisory Commission recommendations concerning the Department of Assistive and Rehabilitative Services (DARS).

The bill would require the integration into one program the independent living services program

for the blind and independent living services program for those with disabilities other than blindness. By August 31, 2016, integrated program services would be provided solely at centers for independent living, except in areas where a center is not willing or able to provide services, in which case DARS may contract for the services. The bill would grant DARS authorization to provide comprehensive rehabilitation and autism services. The bill would define the administration of DARS direct services programs, including caseworker guidelines, the creation of a case review system, and program monitoring. The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement the bill as soon as practicable upon effective date. The bill directs that any federal waiver or authorization necessary to implement the provisions of the bill be requested, and authorizes affected agencies to delay implementation of provisions until such waiver or authorization is granted.

In the event legislation providing for the transfer of the functions of DARS to HHSC is not enacted or does not become law, the bill would continue the agency's sunset provision until September 1, 2027.

Methodology

This analysis assumes that appropriations of \$11.6 million per fiscal year for direct staff services currently provided to DARS for the independent living services programs would continue in the form of grants to centers for independent living. This would result in a reduction at DARS of 24 caseworkers beginning in fiscal year 2017. Savings from associated benefits appropriated elsewhere in the budget are based on a DARS average salary and other personnel costs per caseworker of \$49,950 per fiscal year. Savings also accrue from a reduction of the agency 1.5 percent payroll contribution to the Employees Retirement System.

The establishment of the comprehensive rehabilitation program and autism programs in statute codifies existing agency activities and would not cost the state. The additional administrative responsibilities would result in no significant fiscal impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 529 Health and Human Services Commission, 538 Assistive and Rehabilitative Services, Department of

LBB Staff: UP, NB, MB, VJC, WP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 16, 2015

TO: Honorable Richard Peña Raymond, Chair, House Committee on Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2463** by Raymond (Relating to the functions of the Department of Assistive and Rehabilitative Services.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2463, As Introduced: a positive impact of \$70,177 through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$70,177
2018	\$70,177
2019	\$70,177
2020	\$70,177

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Federal Funds</i> 555	Change in Number of State Employees from FY 2015
2016	\$0	\$0	0.0
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2020	\$70,177	\$335,957	(24.0)

Fiscal Analysis

The bill would partially implement the Sunset Advisory Commission recommendations concerning the Department of Assistive and Rehabilitative Services (DARS).

The bill would require the integration into one program the independent living services program for the blind and independent living services program for those with disabilities other than blindness. By August 31, 2016, integrated program services would be provided solely at centers

for independent living, except in areas where a center is not willing or able to provide services, in which case DARS may contract for the services. The bill would grant DARS authorization to provide comprehensive rehabilitation and autism services. The bill would define the administration of DARS direct services programs, including caseworker guidelines, the creation of a case review system, and program monitoring. The bill would require the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill as soon as practicable upon effective date. The bill directs that any federal waiver or authorization necessary to implement the provisions of the bill be requested, and authorizes affected agencies to delay implementation of provisions until such waiver or authorization is granted.

Methodology

This analysis assumes that appropriations of \$11.6 million per fiscal year for direct staff services currently provided to DARS for the independent living services programs would continue in the form of grants to centers for independent living. This would result in a reduction at DARS of 24 caseworkers beginning in fiscal year 2017. Savings from associated benefits appropriated elsewhere in the budget are based on a DARS average salary and other personnel costs per caseworker of \$49,950 per fiscal year. Savings also accrue from a reduction of the agency 1.5 percent payroll contribution to the Employees Retirement System.

The establishment of the comprehensive rehabilitation program and autism programs in statute codifies existing agency activities and would not cost the state. The additional administrative responsibilities would result in no significant fiscal impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 529 Health and Human Services Commission, 538 Assistive and Rehabilitative Services, Department of

LBB Staff: UP, NB, MB, VJC, WP