

**House Bill 2463**  
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<p>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:</p> <p>(1) <u>"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.</u></p> <p>(1-a) <u>"Center for independent living" has the meaning assigned by Section 702 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796a).</u></p> <p>(1-b) "Commission" means the Health and Human Services Commission.</p> <p>(4-a) <u>"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.</u></p> <p>(4-b) <u>"Direct services program" means a program operated by the department through which direct services are provided.</u></p> <p>SECTION 2. (a) Section 117.003, Human Resources Code, is amended to read as follows:</p> <p>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, <u>2027</u> [2015].</p> <p>(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</p>	<p>SECTION 1. Same as House version.</p> <p>No equivalent provision.</p>	

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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

(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

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directly provided by centers for independent living, except as provided by Subsection (b), and are not directly provided by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) eligibility requirements for the comprehensive

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rehabilitation services;  
(3) the types of services that may be provided to a client under the program; and  
(4) requirements for client participation in the costs of the comprehensive rehabilitation services.  
Sec. 117.082. CHILDREN'S AUTISM PROGRAM. The department shall operate a children's autism program to provide services to children with autism spectrum disorders. The executive commissioner shall adopt rules for the program that include:  
(1) a system of organization for the delivery of the autism services;  
(2) eligibility requirements for the autism services;  
(3) the types of services that may be provided to a client under the program; and  
(4) requirements for participation by the client's family in the costs of the autism services.

SECTION 4. Chapter 117, Human Resources Code, is amended by adding Subchapter D-1 to read as follows:  
SUBCHAPTER D-1. ADMINISTRATION OF DIRECT SERVICES PROGRAMS IN GENERAL  
Sec. 117.091. DIRECT SERVICES PROGRAM CASEWORKER GUIDELINES. (a) The department shall use program data and best practices to establish and maintain guidelines that provide direction for caseworkers' decisions in all of the department's direct services programs. The guidelines:  
(1) must categorize direct services program cases based on the types of services provided and, for each category, include provisions addressing:  
(A) the recommended length of time a case in that category

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should last; and

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

(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

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

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management.  
(b) The monitoring function under Subsection (a) must include monitoring of:  
(1) performance data from all regions and all direct services programs to identify trends; and  
(2) case review data to ensure compliance with the case review system under Section 117.092.  
(c) Personnel designated to perform the monitoring function required by this section shall work with direct services program staff to develop objective and detailed outcome measures for the programs.  
(d) The department may conduct internal peer reviews of the department's field offices at regular intervals to assess the field offices' compliance with federal regulations and department policies and to compare each field office's compliance with the compliance of the other field offices. The department may use personnel designated to perform the monitoring function required by this section to facilitate the internal peer reviews.

No equivalent provision.

SECTION 4. (a) Subchapter A, Chapter 117, Human Resources Code, is amended by adding Sections 117.004 and 117.005 to read as follows:  
Sec. 117.004. INAPPLICABILITY OF CERTAIN LAW. Notwithstanding Section 117.003, Section 325.017, Government Code, does not apply to the department.  
Sec. 117.005. MEANING OF CERTAIN REFERENCES IN LAW. (a) A reference in this chapter or in any other law to the department in relation to a function transferred to the commission under Section 117.012 means the commission or the division of the commission performing the function after its transfer.



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

(1) the Texas Rehabilitation Commission;

(2) the Interagency Council on Early Childhood Intervention;

(3) the Texas Commission for the Blind; and

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

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

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

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

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

Sec. 117.011. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

(b) A rule, policy, or form adopted by or on behalf of the

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department or council that relates to a function that is transferred to the commission under Section 117.012 becomes a rule, policy, or form of the commission on transfer of the related function and remains in effect:

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

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

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

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

Sec. 117.015. AUTHORITY OF DEPARTMENT. [Deleted by FA1(1)]

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

(c) 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, 2016

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[~~2015~~]. [FA1(2)]

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

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

- (1) Section 117.002;
- (2) Section 117.021;
- (3) Section 117.022;
- (4) Section 117.023;
- (5) Section 117.024;
- (6) Section 117.025;
- (7) Section 117.026;
- (8) Section 117.027;
- (9) Section 117.028;
- (10) Section 117.029;
- (11) Section 117.030;
- (12) Section 117.032;
- (13) Section 117.051;
- (14) Section 117.052;
- (15) Section 117.053;
- (16) Section 117.054;
- (17) Section 117.055;
- (18) Section 117.056;

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(19) Section 117.0711;  
(20) Section 117.0712; and  
(21) Section 117.072.  
(f) Notwithstanding Subsection (e) of this section, the implementation of a provision repealed by that subsection ceases on the date all functions of the Department of Assistive and Rehabilitative Services or the Assistive and Rehabilitative Services Council are transferred to the Health and Human Services Commission as provided by Subchapter A-1, Chapter 117, Human Resources Code, as added by this section, or to another entity, to the extent the department or council is responsible for the provision's implementation.  
(\_) This section takes effect only if S.B. 200 or H.B. 2578, 84th Legislature, Regular Session, 2015, does not become law. [FA1(3)]

SECTION 5. (a) In this section:

- (1) "Commission" means the Health and Human Services Commission.
- (2) "Committee" means the Health and Human Services Transition Legislative Oversight Committee established under this section.
- (3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.
- (4) "Function" includes a power, duty, program, or activity of a state agency or entity.
- (b) The Health and Human Services Transition Legislative Oversight Committee is created to facilitate the transfer of functions to or from the commission as provided by this Act and other enacted legislation of the 84th Legislature, Regular Session, 2015, that becomes law, requiring such a transfer,

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with minimal negative effect on the delivery of services to which those functions relate.

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

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

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

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

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

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

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

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

(h) The committee shall:

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

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

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- (A) the functions to be transferred and the funds and obligations that are related to the functions;
- (B) the transfer of the functions and related records, property, funds, and obligations by the state agencies and entities; and
- (C) any required reorganization of the commission's administrative structure resulting from the transfers; and
- (3) meet at the call of either chair at times determined appropriate by either chair.
- (i) Chapter 551, Government Code, applies to the committee.
- (j) The committee shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and legislature not later than December 1 of each even-numbered year. The report must include an update on the progress of and issues related to the purposes and duties of the committee.
- (k) The committee is abolished September 1, 2019.
- (l) The transfers of functions described by Subsection (b) of this section must be accomplished in accordance with a transition plan developed by the executive commissioner that ensures that the transfers and provision of health and human services in this state are accomplished in a careful and deliberative manner. The transition plan must:
  - (1) include an outline of the proposed organization of the transferred functions in the commission's organizational structure; and
  - (2) include details regarding movement of functions and a timeline that specifies the dates on which transfers are to be made.
- (m) In developing the transition plan, the executive commissioner shall, before submitting the plan to the committee, the governor, and the Legislative Budget Board as required by Subsection (n) of this section:

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- (1) hold public hearings in various geographic areas in this state regarding the plan; and
- (2) solicit and consider input from appropriate stakeholders.
- (n) The executive commissioner shall submit the transition plan to the committee, the governor, and the Legislative Budget Board not later than March 1, 2016. The committee shall comment on and make recommendations to the executive commissioner regarding any concerns or adjustments to the transition plan the committee determines appropriate. The executive commissioner may not finalize the transition plan until the executive commissioner has reviewed and considered the comments and recommendations of the committee regarding the transition plan.
- (o) The executive commissioner shall publish in the Texas Register:
  - (1) the transition plan developed under this section;
  - (2) any adjustments to the transition plan recommended by the committee;
  - (3) a statement regarding whether the executive commissioner adopted or otherwise incorporated the recommended adjustments; and
  - (4) if the executive commissioner did not adopt a recommended adjustment, the justification for not adopting the adjustment.
- (p) Not later than October 1, 2015:
  - (1) the lieutenant governor, the speaker of the house of representatives, and the governor shall make the appointments to the committee as required by Subsection (c) of this section; and
  - (2) the lieutenant governor and the speaker of the house of representatives shall each designate a presiding co-chair of the committee in accordance with Subsection (f) of this section.



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	(_) This section takes effect only if S.B. 200 or H.B. 2578, 84th Legislature, Regular Session, 2015, does not become law. [FA1(4)]	
SECTION 5. The following provisions of the Human Resources Code are repealed: (1) Section 91.022, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015; and (2) Section 117.153, as redesignated and amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015.	SECTION 6. Same as House version.	
SECTION 6. The executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 117.080(e), Human Resources Code, as added by this Act, as soon as practicable after the effective date of this Act.	SECTION 7. Same as House version.	
SECTION 7. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.	SECTION 8. Same as House version.	
SECTION 8. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.	SECTION 9. Same as House version.	