

By: Klick

H.B. No. 4096

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to improving the care of, and increasing opportunities  
3 for, children and adolescents with physical and developmental  
4 disabilities.

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

6 SECTION 1. Subchapter A, Chapter 54 Education Code, is  
7 amended by adding Section 54.9031

8 Sec. 54.9031 INCREASED OUTREACH REGARDING TEXAS ABLE  
9 PROGRAM. (a) In administering this section, the board shall engage  
10 in outreach efforts to inform and educate individuals eligible for  
11 an ABLE account, including families of eligible children.

12 (b) As part of this effort the board shall ensure that  
13 information regarding ABLE accounts is provided to state agencies  
14 serving individuals with physical and developmental disabilities  
15 who may be eligible for an ABLE account. The board shall also  
16 ensure that managed care organizations providing benefits and  
17 services under the medical assistance program and the Children's  
18 Health Insurance Program (CHIP) to individuals eligible for ABLE  
19 accounts are furnished information to provide to eligible  
20 enrollees.

21 SECTION 2. Subchapter A, Chapter 531, Government Code,  
22 Section 531.02445 is amended by adding subsection (C) to read as  
23 follows:

24 Sec. 531.02445. TRANSITION SERVICES FOR YOUTH WITH

1 DISABILITIES. (a) The executive commissioner shall monitor  
2 programs and services offered through health and human services  
3 agencies designed to assist youth with disabilities to transition  
4 from school-oriented living to post-schooling activities, services  
5 for adults, or community living.

6 (b) In monitoring the programs and services, the executive  
7 commissioner shall:

8 (1) consider whether the programs or services result  
9 in positive outcomes in the employment, community integration,  
10 health, and quality of life of individuals with disabilities; and

11 (2) collect information regarding the outcomes of the  
12 transition process as necessary to assess the programs and  
13 services.

14 (c) In reviewing available services and programs for these  
15 individuals, the executive commissioner shall consider whether any  
16 opportunities exist to partner with the Texas Education Agency or  
17 other applicable agencies to offer training I specialized skills  
18 for school-age children with disabilities to help promote  
19 independence.

20 SECTION 3. Subchapter A, Chapter 531 Government, Section  
21 531.0245 is amended by adding subsection (c) to read as follows:

22 Sec. 531.0245. PERMANENCY PLANNING FOR CERTAIN CHILDREN.

23 (a) The commission and each appropriate health and human  
24 services agency shall develop procedures to ensure that permanency  
25 planning is provided for each child residing in an institution in  
26 this state on a temporary or long-term basis or for whom  
27 institutional care is sought.

1 (b) In this section:

2 (1) "Institution" has the meaning assigned by Section  
3 242.002, Health and Safety Code.

4 (2) "Permanency planning" has the meaning assigned by  
5 Section 531.151.

6 (c) The commission shall take into consideration the  
7 educational needs of each child in developing the permanency plans  
8 required by this section, and how those needs may be met both on an  
9 immediate and long-term basis.

10 SECTION 4. Subchapter A, Chapter 531 Government Code,  
11 Section 531.02491 is amended to read as follows:

12 Sec. 531.02491. JOINT TRAINING FOR CERTAIN CASEWORKERS.

13 (a) The executive commissioner shall provide for joint training  
14 for health and human services caseworkers whose clients are  
15 children, including caseworkers employed by:

16 (1) the commission;

17 (2) the Department of Aging and Disability Services;

18 (3) the Department of State Health Services;

19 (4) the Department of Family and Protective Services;

20 (5) a Medicaid managed care organization providing  
21 services under the STAR Kids Program;

22 ~~(4)~~ (6) a local mental health authority; and

23 ~~(5)~~ (7) a local intellectual and developmental  
24 disability authority.

25 (b) Training provided under this section must be designed to  
26 increase a caseworker's knowledge and awareness of the services  
27 available to children at each health and human services agency or

1 local mental health or intellectual and developmental disability  
2 authority, including long-term care programs and services  
3 available under a Section 1915(c) waiver program, and the Texas  
4 ABLE Program.

5 SECTION 5. Subchapter A, Chapter 531 Government Code,  
6 amended by adding Section 531.02493 to read as follows:

7 Sec. 531.02493. DELIVERY OF HEALTH AND HUMAN SERVICES AND  
8 OTHER SUPPORT SERVICES TO SCHOOL-AGE TEXANS WITH DISABILITIES.

9 (b) The commission, in conjunction with the Texas Education  
10 Agency, shall electronically publish on the commission's Internet  
11 website a biennial report and, on or before the date the report is  
12 due, shall notify the governor, the lieutenant governor, the  
13 speaker of the house of representatives, the comptroller, the  
14 Legislative Budget Board, the Texas Education Agency, and the  
15 appropriate legislative committees that the report is available on  
16 the commission's Internet website. The report must address the  
17 efforts of the health and human services agencies and the Texas  
18 Education Agency to provide health and human services and support  
19 services to school-age children with physical and developmental  
20 disabilities. The report may contain recommendations by the  
21 commission and the Texas Education Agency to better coordinate  
22 state agency programs relating to the delivery of services to these  
23 children and may propose joint agency collaborative programs. This  
24 information may be combined with the report required by Sec.  
25 531.02492 or other relevant reporting requirements.

26 SECTION 6. Subchapter A, Chapter 531 Government Code, is  
27 amended by addition Section 531.095 to read as follows:

1       Sec. 531.095. OPPORTUNITY SAVINGS ACCOUNTS FOR CHILDREN  
2 WITH DISABILITIES. (a) The commission shall study the  
3 establishment of an Opportunity Savings Account for children with  
4 disabilities enrolled in the medical assistance program and the  
5 Children's Health Insurance Program (CHIP) to be used promote  
6 support and independence of these children.

7       (b) In conducting this study the commission shall review:

8           (1) eligibility standards and allowable expenses  
9 under the Texas ABLE Program;

10          (2) the estimated number of enrollees in medical  
11 assistance and Children's Health Insurance Program who will be  
12 eligible for the Texas ABLE Program;

13          (3) the extent to which Health Savings Accounts would  
14 be beneficial to children with disabilities;

15          (4) any additional savings programs that are available  
16 to, and could benefit, children with disabilities;

17          (5) whether opportunity exists to establish an  
18 Opportunity Savings Program specifically for children described by  
19 Sec. 531.095(a).

20       (c) If the commission finds that additional needs exist  
21 beyond what are covered, or that a significant number of children  
22 described in Sec. 531,095(a) are not eligible for existing  
23 programs, the Commission shall pursue establishment of an  
24 Opportunity Savings Account program, to be administered by the  
25 commission, for the purpose of promoting the health, wellness, and  
26 independence of children with disabilities.

27       SECTION 7. Subchapter A, Chapter 533 Government Code, is

1 amended by adding Section 533.00253 is amended by adding Subsection  
2 (g) to read as follows:

3 (g) Managed care organizations providing services in this  
4 program must inform and, to the extent feasible, assist families in  
5 pursuing savings programs designed to support and further  
6 independence for children with disabilities. Programs include, but  
7 are not limited to, health savings accounts, the Texas ABLE  
8 Program, and the Texas Tomorrow Fund.

9 SECTION 8. The commission shall finalize the report  
10 required by Sec. 531.095 no later than September 1, 2018, and  
11 provide a copy to the governor, lt. governor, speaker, and standing  
12 legislative committees with jurisdiction over these matters.

13 SECTION 9. Not later than January 1, 2018, the executive  
14 commissioner of the Health and Human Services Commission shall  
15 adopt necessary rules, guidelines, or contract provisions or amend  
16 existing rules, guidelines, or contract provisions as necessary to  
17 comply with the requirements as added by this Act.

18 SECTION 10. This Act takes effect immediately if it  
19 receives a vote of two-thirds of all the members elected to each  
20 house, as provided by Section 39, Article III, Texas Constitution.  
21 If this Act does not receive the vote necessary for immediate  
22 effect, this Act takes effect September 1, 2017.