

BILL ANALYSIS

S.B. 50
By: Zaffirini
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It is reported that over 80 percent of individuals with disabilities in Texas are unemployed. Current state and federal law requires Texas state agencies to implement employment-first policies promoting competitive, integrated employment for Texans with disabilities receiving state benefits. However, less than two percent of Medicaid waiver recipients with disabilities receive available employment services. S.B. 50 seeks to increase this percentage by providing for the development of a process to assess the goals of and competitive and integrated employment opportunities and related employment services available to an individual receiving services under an applicable Medicaid waiver program and to use the identified goals and available opportunities and services to direct the individual's plan of care.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 50 amends the Government Code to require the executive commissioner of the Health and Human Services Commission (HHSC) by rule to develop a uniform process compliant with the state's employment-first policy to assess the goals of and competitive and integrated employment opportunities and related employment services available to an individual receiving services under one of the following Medicaid waiver programs and to use the identified goals and available opportunities and services to direct the individual's plan of care at the time the plan is developed or renewed:

- the home and community-based services (HCS) waiver program;
- the Texas home living (TxHmL) waiver program;
- the deaf-blind with multiple disabilities (DBMD) waiver program;
- the community living assistance and support services (CLASS) waiver program; and
- the STAR+PLUS home and community-based services (HCBS) waiver program.

The bill requires the entity responsible for the development and renewal of the plan of care for such an individual to use the uniform process the executive commissioner develops to assess the individual's identified goals and available opportunities and services and to incorporate those goals, opportunities, and services into the plan of care.

S.B. 50 requires the executive commissioner by rule to do the following with respect to the individuals enrolled in such a waiver program:

- identify strategies to increase the number of individuals who are receiving employment services from the Texas Workforce Commission (TWC) or through the individual's applicable waiver program;
- determine a reasonable number of individuals who indicate a desire to work to receive employment services and ensure those individuals have received employment services during the 2022-2023 state fiscal biennium or during the period beginning September 1, 2023, and ending December 31, 2023, from the TWC or through the individual's applicable waiver program or are receiving employment services on December 31, 2023, from the TWC or through that waiver program; and
- ensure each individual who indicates a desire to work is referred to receive employment services from the TWC or through the individual's applicable waiver program.

S.B. 50 requires the executive commissioner, not later than December 31 of each even-numbered year beginning in 2024, to prepare and submit a written report to the governor, lieutenant governor, speaker of the house of representatives, and legislature that outlines the following information:

- the number of individuals enrolled in an applicable waiver program who are receiving employment services in accordance with rules adopted under the bill's provisions;
- whether the employment services are provided by the TWC, through an individual's applicable waiver program, or both; and
- the number of individuals who have obtained competitive and integrated employment, categorized by waiver program and, if applicable, an individual's level of care.

S.B. 50 requires the executive commissioner to adopt rules as necessary to implement the bill's provisions as soon as practicable after the bill's effective date. Implementation of a provision of the bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

EFFECTIVE DATE

September 1, 2021.