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H.B. No. 3287

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain co-navigation services to
persons who are deaf-blind.

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

SECTION 1. Section 81.001, Human Resources Code, is amended
by adding Subdivision (1) to read as follows:

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

SECTION 2. Chapter 81, Human Resources Code, is amended by
adding Section 81.014 to read as follows:

Sec. 81.014. CO-NAVIGATION SERVICES PROGRAM FOR PERSONS WHO
ARE DEAF-BLIND. (a) In this section:

(1) "Communication mode" includes communication
through:

(A) auditory amplification, such as through a
personal hearing aid or assistive listening device;

(B) American Sign Language or Signed English by
both tactile and visual means; and

(C) protactile language.

(2) "Co-navigation services" means services provided
to a person who is deaf-blind that assist the person to physically
access the person's environment and to make informed decisions. The
term includes providing visual and environmental information or
sighted guide services and assisting with communication

1 accessibility by communicating in the preferred language and
2 communication mode of the person who is deaf-blind. The term does
3 not include performing any of the following for the person:

4 (A) providing personal care services to the
5 person;

6 (B) completing ordinary errands for the person;

7 (C) making decisions for the person;

8 (D) teaching or otherwise instructing the
9 person; or

10 (E) interpreting for the person in a formal
11 setting, including a medical, legal, or business setting.

12 (3) "Co-navigator" means a person who is specially
13 trained to provide co-navigation services.

14 (4) "Program" means the deaf-blind co-navigation
15 services program.

16 (5) "Protactile language" means a method of
17 communication based on touch that is used by persons who are
18 deaf-blind.

19 (b) The commission shall operate a statewide co-navigation
20 services program through which:

21 (1) co-navigation services are provided by
22 co-navigators; and

23 (2) the commission reimburses the co-navigators for
24 the provision of the services.

25 (c) The executive commissioner by rule shall establish
26 reimbursement rates to be paid to a co-navigator under the program.

27 The reimbursement rates must use a tiered wage scale that is based

1 on the co-navigator's:

2 (1) level of training in communication modes for
3 persons who are deaf-blind and in sighted guide-mobility
4 techniques; and

5 (2) fluency and skill in communication modes and
6 sighted guide-mobility for persons who are deaf-blind.

7 (d) The commission shall ensure that quality co-navigation
8 services are provided under the program by:

9 (1) monitoring the compliance of co-navigators with
10 program rules;

11 (2) developing funding sources for the program that
12 are in addition to state sources and will reduce reliance on the
13 state sources for continuation of the program; and

14 (3) providing funding and technical assistance for
15 training programs for:

16 (A) co-navigators under the program; and

17 (B) persons who are deaf-blind to enable those
18 persons to effectively use the services offered under the program.

19 (e) The executive commissioner may establish an advisory
20 committee to advise the commission in developing and operating the
21 program, including operating the program in a manner that ensures
22 the efficient use of state money. Subject to Section 2110.002,
23 Government Code, the executive commissioner shall determine the
24 number of members serving on the advisory committee, which must
25 include persons who are deaf-blind and other stakeholders.

26 (f) The executive commissioner may adopt rules necessary
27 to:

1 (1) operate the program in a manner that is efficient
2 and maximizes the number of persons served; and

3 (2) ensure that co-navigators receiving reimbursement
4 under the program have adequate training to provide co-navigation
5 services.

6 SECTION 3. Not later than September 1, 2022:

7 (1) the executive commissioner of the Health and Human
8 Services Commission shall adopt rules necessary to implement
9 Section 81.014, Human Resources Code, as added by this Act; and

10 (2) the commission shall begin operating the program
11 required by that section.

12 SECTION 4. This Act takes effect September 1, 2021.