

BILL ANALYSIS

C.S.H.B. 729
By: Rose
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Individuals with an intellectual or developmental disability may experience severe and chronic conditions due to a mental or physical impairment that also limits their ability to fulfill basic care needs without being fully dependent on other adults for the care. Local intellectual and developmental disability authorities provide community-based services to these individuals and address the needs of those returning to their communities from state supported living centers. While the state provides services for individuals with an intellectual or developmental disability, a coordinated body responsible for sharing new research, resources, and best practices in regards to quality of care is needed at the state level. C.S.H.B. 729 seeks to address this issue by establishing a council to ensure a strategic statewide approach for the provision of intellectual and developmental disability services.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 729 amends the Government Code to establish the Statewide Intellectual and Developmental Disability Coordinating Council to ensure Texas develops a strategic approach for the provision of intellectual and developmental disability services statewide. The bill requires the council to do the following:

- develop a recurring five-year statewide intellectual and developmental disability strategic plan and monitor the implementation of the plan;
- submit the strategic plan to the executive commissioner of the Health and Human Services Commission (HHSC) and the administrative head of each agency subject to the plan;
- develop and, not later than November 1 of each even-numbered year, submit to the legislature a biennial coordinated statewide intellectual and developmental disability expenditure proposal; and
- annually publish an updated inventory of state-funded intellectual and developmental disability programs and services that includes a description of how those programs and services further the purpose of the strategic plan and includes an estimate of the number of individuals waiting for or interested in receiving such programs and services.

The bill authorizes the council to facilitate opportunities to increase collaboration for the effective expenditure of available federal and state funds for intellectual and developmental disability services in Texas.

C.S.H.B. 729 sets out the council's composition as follows:

- one or more representatives, as determined by the executive commissioner, designated by the following entities:
 - the Department of State Health Services;
 - the Department of Family and Protective Services;
 - the Texas Workforce Commission;
 - the Texas Education Agency;
 - the Texas center for disability studies at The University of Texas at Austin;
 - the center on disability and development at Texas A&M University;
 - the Texas Department of Criminal Justice; and
 - the Commission on Jail Standards; and
- the following members appointed by the executive commissioner:
 - a representative of a local intellectual and developmental disability authority;
 - a representative of the Governor's Committee on People with Disabilities;
 - a representative of the Texas Council for Developmental Disabilities;
 - a representative of the Arc of Texas;
 - a representative of a managed care organization;
 - a provider of Medicaid long-term services and supports;
 - a person or family member of an individual with an intellectual or developmental disability;
 - a representative of HHSC's office of the ombudsman;
 - one representative appointed from each HHSC division with responsibility for specified services;
 - a physician; and
 - any additional members as the executive commissioner determines appropriate.

The council may authorize another state agency or institution that provides specific intellectual and developmental disability services with the use of state-appropriated money to designate a representative to the council. Council members serve three-year terms at the pleasure of the designating entity. The bill requires the executive commissioner to designate a member of the council to serve as the presiding officer, requires the council to meet at least once quarterly or more frequently at the call of the presiding officer, and provides for the filling of a vacancy on the council and for a member filling a vacancy to hold the office for the unexpired portion of the term.

C.S.H.B. 729 requires the council, not later than March 1 of the last state fiscal year in each five-year period covered by the most recent strategic plan, to develop a new strategic plan for the next five state fiscal years that begins with the following fiscal year and submit the new plan to the executive commissioner and the administrative head of each agency subject to the plan. The bill requires the executive commissioner and the administrative heads, not later than the 90th day after receiving the initial strategic plan, to develop and submit to the governor, the lieutenant governor, and the legislature a plan for implementing the recommendations applicable to the agency under the strategic plan. An implementation plan must include a justification for any recommendation HHSC or the other agency declines to implement.

C.S.H.B. 729 subjects the council to the Texas Sunset Act and requires the council to be reviewed during the period in which HHSC is reviewed. Unless continued in existence as provided by the act, the council is abolished and the bill's provisions expire on the date on which HHSC is subject to abolishment, which is September 1, 2027.

C.S.H.B. 729 requires the appropriate authorities to designate or appoint, as applicable, members to the council not later than January 31, 2024. The bill requires the council to hold its initial meeting not later than March 1, 2024, and to prepare the initial strategic plan not later than March 1, 2025.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 729 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions that were not in the introduced that do the following with respect to the council:

- include a physician among the council members appointed by the executive commissioner;
- establish three-year terms for council members;
- provide for the filling of a vacancy on the council and for a member filling a vacancy to hold the office for the unexpired portion of the term;
- establish a deadline for designating or appointing members to the council, as applicable, and a deadline by which the council must hold its initial meeting; and
- subject the council to review and abolishment under the Texas Sunset Act.

The substitute includes provisions that were not in the introduced that do the following with respect to the council's five-year statewide intellectual and developmental disability strategic plan:

- specify that the plan is recurring and require the council to develop a new plan for the next five state fiscal years;
- establish a deadline by which the council must prepare its initial plan;
- require the council to submit the initial and subsequent plans to the executive commissioner and the administrative head of each agency subject to the plan;
- require the executive commissioner and the administrative heads to develop and submit to the governor, the lieutenant governor, and the legislature a plan for implementing the recommendations applicable to the agency under the strategic plan that includes a justification for any recommendation HHSC or the other agency declines to implement; and
- require the council to submit its biennial coordinated statewide intellectual and developmental disability expenditure proposal to the legislature.