By:  Rose, Sherman, Sr. (Senate Sponsor - West) H.B. No. 729

(In the Senate - Received from the House April 5, 2023; April 12, 2023, read first time and referred to Committee on Health & Human Services; May 21, 2023, reported favorably by the following vote: Yeas 7, Nays 1; May 21, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Hall              X

Hancock               X

Hughes                      X

LaMantia          X

Miles             X

Sparks            X

A BILL TO BE ENTITLED

AN ACT

relating to the statewide intellectual and developmental disability coordinating council.

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

SECTION 1.  Chapter 531, Government Code, is amended by adding Subchapter M-2 to read as follows:

SUBCHAPTER M-2. STATEWIDE INTELLECTUAL AND DEVELOPMENTAL DISABILITY COORDINATING COUNCIL

Sec. 531.491.  DEFINITION. In this subchapter, "council" means the statewide intellectual and developmental disability coordinating council.

Sec. 531.492.  PURPOSE. The council is established to ensure this state develops a strategic approach for the provision of intellectual and developmental disability services in this state.

Sec. 531.493.  COMPOSITION OF COUNCIL. (a) The council is composed of the following members:

(1)  subject to Subsection (b), one or more representatives designated by each of the following entities:

(A)  the Department of State Health Services;

(B)  the Department of Family and Protective Services;

(C)  the Texas Workforce Commission;

(D)  the Texas Education Agency;

(E)  the Texas Center for Disability Studies at The University of Texas at Austin;

(F)  the Center on Disability and Development at Texas A&M University;

(G)  the Texas Department of Criminal Justice; and

(H)  the Commission on Jail Standards; and

(2)  the following members appointed by the executive commissioner:

(A)  a representative of a local intellectual and developmental disability authority as defined by Section 531.002, Health and Safety Code;

(B)  a representative of the Governor's Committee on People with Disabilities;

(C)  a representative of the Texas Council for Developmental Disabilities;

(D)  a representative of the Arc of Texas;

(E)  a representative of a managed care organization;

(F)  a provider of Medicaid long-term services and supports;

(G)  an individual or family member of an individual with an intellectual or developmental disability receiving home and community-based services, including under the home and community-based services (HCS) waiver program;

(H)  an individual or family member of an individual with an intellectual or developmental disability residing in a private intermediate care facility for individuals with an intellectual disability licensed under Chapter 252, Health and Safety Code;

(I)  an individual or family member of an individual with an intellectual or developmental disability residing in a state supported living center, as defined by Section 531.002, Health and Safety Code;

(J)  a representative of the commission's office of the ombudsman;

(K)  representatives of the commission, with one representative appointed from each division of the commission with responsibility for:

(i)  Medicaid and the Children's Health Insurance Program services;

(ii)  intellectual and developmental disability behavioral health services;

(iii)  health and specialty care system employment;

(iv)  health, developmental, and independence services; and

(v)  access and eligibility services;

(L)  a physician; and

(M)  any additional members as the executive commissioner determines appropriate who are recognized experts serving individuals with intellectual and developmental disabilities or who represent the interests of individuals with intellectual and developmental disabilities.

(b)  The executive commissioner shall determine the number of representatives that each entity may designate under Subsection (a)(1) to serve on the council.

(c)  The council may authorize another state agency or institution that provides specific intellectual and developmental disability services with the use of money appropriated by this state to designate a representative to the council.

(d)  A council member serves at the pleasure of the designating entity.

(e)  Chapter 2110 does not apply to the composition of the council.

Sec. 531.494.  PRESIDING OFFICER; TERMS; VACANCY. (a) The executive commissioner shall designate a member of the council to serve as the presiding officer.

(b)  Council members serve three-year terms.

(c)  The appropriate authority shall fill a vacancy on the council in the same manner as the original designation or appointment.

(d)  A council member designated or appointed to fill a vacancy holds the office for the unexpired portion of the term.

Sec. 531.495. MEETINGS. The council shall meet at least once quarterly or more frequently at the call of the presiding officer.

Sec. 531.496.  DUTIES. The council:

(1)  shall, in accordance with Section 531.497:

(A)  develop a recurring five-year statewide intellectual and developmental disability strategic plan and monitor the implementation of the plan; and

(B)  submit the strategic plan to the executive commissioner and the administrative head of each agency subject to the plan;

(2)  shall 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;

(3)  shall annually publish an updated inventory of state-funded intellectual and developmental disability programs and services that includes:

(A)  a description of the manner in which those programs and services further the purpose of the statewide intellectual and developmental disability strategic plan; and

(B)  an estimate of the number of individuals waiting for or interested in receiving those programs and services; and

(4)  may facilitate opportunities to increase collaboration for the effective expenditure of available federal and state funds for intellectual and developmental disability services in this state.

Sec. 531.497.  RECURRING FIVE-YEAR STRATEGIC PLAN AND RELATED IMPLEMENTATION PLANS. (a) Not later than March 1 of the last state fiscal year in each five-year period covered by the most recent strategic plan required under Section 531.496(1), the council shall:

(1)  develop a new strategic plan for the next five state fiscal years that begins with the following fiscal year; and

(2)  submit the new strategic plan to the executive commissioner and the administrative head of each agency subject to the strategic plan.

(b)  Not later than the 90th day after receiving the strategic plan required under Section 531.496(1), the executive commissioner and the administrative head of each agency that is subject to the plan shall 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 the commission or other agency declines to implement.

Sec. 531.498.  APPLICATION OF SUNSET ACT. The council is subject to Chapter 325 (Texas Sunset Act). The council shall be reviewed during the period in which the commission is reviewed under Section 531.004. Unless continued in existence as provided by Chapter 325, the council is abolished and this subchapter expires on the date on which the commission is subject to abolishment under that section.

SECTION 2.  (a) Not later than January 31, 2024, the appropriate authorities shall designate or appoint, as applicable, members to the statewide intellectual and developmental disability coordinating council as required by Section 531.493(a), Government Code, as added by this Act.

(b) Not later than March 1, 2024, the statewide intellectual and developmental disability coordinating council established under Subchapter M-2, Chapter 531, Government Code, as added by this Act, shall hold the council's initial meeting.

(c)  Not later than March 1, 2025, the statewide intellectual and developmental disability coordinating council shall prepare the initial strategic plan required by Section 531.496(1), Government Code, as added by this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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