

Background:

TCDD Public Policy Staff have compiled a list of bills passed by the 84th Texas Legislature as well as billed that failed to pass. The attached list is a summary of the status of select bills followed by the Council in the following issue areas:

- Healthcare
- Long Term Services and Supports
- Mental Health
- Employment and Higher Education
- Education
- Miscellaneous

Also included in this legislative summary are blog posts relating to:

- Sunset Advisory Commission and Health and Human Services
- Autism services
- Transition from Medicaid to Managed Care

A budget summary will be provided with handouts at the meeting.

Committee of the Whole**Agenda Item 4.****Expected Action:**

The Committee will receive updates on legislation and funding outcomes from the 84th Texas Legislature.

Public Policy Committee**Agenda Item 6.****Expected Action:**

The Committee will receive updates on and discuss legislation and funding outcomes from the 84th Texas Legislature.

Council**Agenda Item 11. A.****Expected Action:**

The Council will receive reports from the Public Policy Committee and consider any recommendations offered from the Committee.

HEALTHCARE - PASSED

HB 606



[Davis, Sarah\(R\)](#)
[Huffman, Joan\(R\)](#)

Relating to a study on the benefits of prenatal surgical procedures to treat birth defects.

Remarks: Requires the Health and Human Services Commission to conduct a study for cost benefit of specific surgeries for treating a birth defect before a child is born.

Last Action: 9- 1-15 G Earliest effective date

HB 751



[Zerwas, John\(R\)](#)
[Kolkhorst, Lois \(F\)\(R\)](#)

Relating to the prescription and pharmaceutical substitution of biological products.

Remarks: Allows pharmacies to substitute biologicals and biosimilars for prescription medications that are substantially the same, without the physician's approval.

Last Action: 9- 1-15 G Earliest effective date

HB 1038



[Sheffield, J.D.\(R\)](#)
[Watson, Kirk\(D\)](#)

Relating to insurance coverage for hemophilia medical treatment.

Remarks: Adds premium payment assistance to state's hemophilia assistance program.

Last Action: 6-17-15 G Earliest effective date

HB 1624



[Smithee, John\(R\)](#)
[Seliger, Kel\(R\)](#)

Relating to transparency of certain information related to certain health benefit plan coverage.

Remarks: Requires the Texas Department of Insurance to develop a template for insurance companies to display their formulary and provider directories on their website.

Last Action: 9- 1-15 G Earliest effective date

HB 1878



[Laubenberg, Jodie\(R\)](#)
[Taylor, Van \(F\)\(R\)](#)

Relating to the reimbursement of providers under the Medicaid program for the provision of telemedicine medical services in a school-based setting.

Remarks: Requires Medicaid reimbursement when physicians provide telemedicine services in a primary or secondary school setting.

Last Action: 9- 1-15 G Earliest effective date

HB 2641



[Zerwas, John\(R\)](#)
[Schwertner, Charles\(R\)](#)

Relating to the exchange of electronic health information in this state.

Remarks: Requires interoperability of health information technology standards of American National Standards Institute.

Last Action: 9- 1-15 G Earliest effective date

HB 3374



[Morrison, Geanie\(R\)](#)
[Lucio, Eddie\(D\)](#)

Relating to information regarding Down syndrome.

Remarks: Requires health care providers to provide current evidence based information on Down Syndrome to an expectant mother who has a test that indicates probability of a child with Down Syndrome. Prohibits information about termination.

Last Action: 9- 1-15 G Earliest effective date

HB 3519



[Guerra, Bobby\(D\)](#)
[Watson, Kirk\(D\)](#)

Relating to the use of home telemonitoring services under the Medicaid program.

Remarks: Extends the elimination of Medicaid reimbursement for home telemonitoring to September 2019, which was established in Texas in 2013.

Last Action: 9- 1-15 G Earliest effective date

SB 339



[Eltife, Kevin\(R\)](#)
[Klick, Stephanie\(R\)](#)

Relating to the medical use of low-THC cannabis and the regulation of related organizations and individuals.

Remarks: Creates the Texas Compassionate-Use Act to provide access to low THC cannabis for persons with intractable seizures.

Last Action: 6- 1-15 G Earliest effective date

SB 760



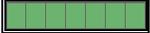
[Schwertner, Charles\(R\)](#)
[Price, Four\(R\)](#)

Relating to provider access requirements for a Medicaid managed care organization.

Remarks: Requires more appropriate network adequacy standards that are directly monitored. Requires expedited credentialing for some providers.

Last Action: 9- 1-15 G Earliest effective date

SB 791



[Kolkhorst, Lois \(F\)\(R\)](#)
[Zerwas, John\(R\)](#)

Relating to testing for and education about congenital cytomegalovirus in infants.

Remarks: Requires that congenital cytomegalovirus (CMV) informational materials are provided to pregnant women. CMV causes developmental and/or hearing loss in 1 in 500 infants whose mother contracts the virus during pregnancy.

Last Action: 9- 1-15 G Earliest effective date

HEALTHCARE – DID NOT PASS

HB 2082



[Laubenberg, Jodie\(R\)](#)

Relating to developing a pilot program to provide telemedicine medical services to certain children.

Remarks: Would have piloted telemedical services in the home of child who is technology dependent and being treated by three or more specialists.

Last Action: 5-18-15 S Referred to Senate Committee on Senate Health and Human Services

HB 2703



[Simmons, Ron\(R\)](#)

Relating to the establishment of the Texas Board of Behavior Analyst Examiners and the requirement to obtain a license to practice as a behavior analyst or assistant behavior analyst.

Remarks: Would have established a Texas Board of Behavior Analyst Examiners licensure and scope of practice. Did not include requirement in addition to the national certification requirements. BCBA's are required to be state certified in order to bill Medicaid for services provided by staff they supervise. Concerns raised that the requirements for supervised practice hours and other qualification factors were not on par with similar professionals like licensed professional counselors and licensed social workers.

Last Action: 5-18-15 S Referred to Senate Committee on Senate Health and Human Services

HB 2835



[King, Susan\(R\)](#)
[Kolkhorst, Lois \(F\)\(R\)](#)

Relating to the name of the program serving certain persons with special health care needs and prioritizing services provided under the program.

Remarks: Would have changed the name of Children with Special Health Care Needs (CSHCN) to Texas Special Health Care Needs Program to reflect the inclusion of persons with cystic fibrosis regardless of age and, to extent allowable, give priority to those with proof of citizenship or other documentation.

Last Action: 5-25-15 S Placed on the Senate Calendar for

HB 2984



[Hughes, Bryan\(R\)](#)

Relating to advance directives or health care or treatment decisions made by or on behalf of patients.

Remarks: Would have eliminated the ability of a physician who objects to continuing life-sustaining treatment from ending treatment until patient can find and be transferred to a facility willing to comply. This is known as treatment pending transfer.

Last Action: 3-18-15 H Introduced and referred to committee on House State Affairs

HB 3473



[Bonnen, Greg\(R\)](#)

Relating to the provision of a cranial molding orthosis under the medical assistance and child health plan programs.

Remarks: Would have added orthosis for children three months to 18 months with cranial deformities to health plans.

Last Action: 4-28-15 H Committee action pending House Public Health

SB 1119



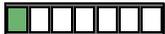
[Lucio, Eddie\(D\)](#)

Relating to a pilot project to evaluate the use of telepractice to provide certain services to children and adults with an autism spectrum disorder.

Remarks: Would have required a six year pilot to provide services to children with autism via telemedicine from a listed university.

Last Action: 3-16-15 S Introduced and referred to committee on Senate Health and Human Services

SB 1884



[Zaffirini, Judith\(D\)](#)

Relating to the provision of cognitive rehabilitation therapy under the Medicaid program.

Remarks: Would have added cognitive rehabilitation therapy to the state plan.

Last Action: 3-25-15 S Introduced and referred to committee on Senate Health and Human Services

LONG TERM SERVICES AND SUPPORTS – PASSED

HB 504



[Guillen, Ryan\(D\)](#)
[Zaffirini, Judith\(D\)](#)

Relating to designating the second full week in September as Direct Support Professionals Week.

Remarks: Designates the 2nd week in September as Direct Support Professionals Week.

Last Action: 9- 1-15 G Earliest effective date

HB 2789



[Raymond, Richard\(D\)](#)
[Zaffirini, Judith\(D\)](#)

Relating to trauma-informed care training for certain employees of state supported living centers and intermediate care facilities.

Remarks: Requires initial pre-work and annual training on trauma-informed care for SSLC and ICF employees. Permits internet training.

Last Action: 9- 1-15 G Earliest effective date

HB 3523



[Raymond, Richard\(D\)](#)
[Perry, Charles \(F\)\(R\)](#)

Relating to improving the delivery and quality of Medicaid acute care services and long-term care services and supports.

Remarks: SB7 (2013) follow up that would update implementation dates and would re-authorize and provide more direction to oversight committees. See article Update: Transition to Managed Care on TCDD's website here: tcdd.texas.gov/transition-managed-care-june15-update/

Last Action: 6-19-15 G Earliest effective date

SB 169



[Uresti, Carlos\(D\)](#)
[King, Susan\(R\)](#)

Relating to ensuring that certain military members who reside out of state and their dependents maintain their positions on waiting lists for certain assistance programs provided by health and human services agencies.

Remarks: Ensures that military families stationed outside of Texas maintain their interest list position in their absence. Limit to one year maintenance on wait list after duty ends, or person dies in service.

Last Action: 6-15-15 G Earliest effective date

SB 304



[Schwertner, Charles\(R\)](#)
[Raymond, Richard\(D\)](#)

Relating to the abuse and neglect of residents of certain facilities.

Remarks: Requires licensure revocation for nursing facilities with three violations that constitute an immediate threat to the health and safety of a person. Some have suggested that this provision should apply to additional settings.

Last Action: 6-19-15 G Earliest effective date

LONG TERM SERVICES AND SUPPORTS – DID NOT PASS

HB 967



[Crownover, Myra\(R\)](#)

Relating to a pilot project to evaluate the use of radio frequency identification technology to transmit information regarding residents of certain group homes.

Remarks: Would have established pilot where a provider may use RFID device to identify and track resident of HCS group home with resident or guardian's consent.

Last Action: 5- 1-15 H Committee action pending House Human Services

HB 1623



[Laubenberg, Jodie\(R\)](#)

Relating to the reimbursement of providers for the provision of certain home telemonitoring services under the Medicaid program.

Remarks: Would have allowed telemonitoring for children with complex or chronic medical needs.

Last Action: 5-11-15 S Referred to Senate Committee on Senate Health and Human Services

HB 1739



[Moody, Joe\(D\)](#)

Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

Remarks: Would have increased personal needs allowance to \$75 per month. Does not include persons in HCS group homes with no minimum personal needs allowance.

Last Action: 3-12-15 H Introduced and referred to committee on House Human Services

HB 3971



[King, Susan\(R\)](#)

Relating to the provision of notice by the Department of Aging and Disability Services to neighborhoods in which certain group homes are located to protect the safety of the residents of those group homes.

Remarks:

Would have required group home and ICF providers to include a neighborhood and/or community engagement plan for each residence to promote positive relationships between community members and people using community based services.

Last Action:

5-21-15 S Referred to Senate Committee on Senate Health and Human Services

SB 30



[Zaffirini, Judith\(D\)](#)

Relating to financial eligibility for the Texas home living (TxHmL) waiver program.

Remarks:

Would have expanded eligibility for the TxHmL Waiver program from 100% SSI to 300% SSI. Substitute expected to include deeming parental income.

Last Action:

1-26-15 S Introduced and referred to committee on Senate Health and Human Services

SB 1475



[Garcia, Sylvia\(D\)](#)

Relating to establishing an enhanced Medicaid managed care consumer support system.

Remarks:

Would have required an ombudsman system for all persons receiving services under any managed care product in order to reduce the need for internal appeals at the managed care organization and fair hearing levels.

Last Action:

4-15-15 S Committee action pending Senate Health and Human Services

SB 1887



[Zaffirini, Judith\(D\)](#)

Relating to the period for which a defendant with an intellectual disability who is found incompetent to stand trial may be civilly committed before the court holds a hearing.

Remarks:

Would have required annual recommitment hearings for persons under forensic commitment to a SSLC.

Last Action:

3-25-15 S Introduced and referred to committee on Senate Criminal Justice

SB 1890



[Zaffirini, Judith\(D\)](#)

Relating to the electronic monitoring of residents at state supported living centers.

Remarks:

Would have allowed a resident of an SSLC to object and opt out of video monitoring in the residents private quarters.

Last Action:

3-25-15 S Introduced and referred to committee on Senate Health and Human Services

MENTAL HEALTH – PASSED

HB 197



[Price, Four\(R\)](#)

[Nelson, Jane\(R\)](#)

Relating to requiring a public institution of higher education to post information regarding mental health resources on the institution's Internet website.

Remarks:

Requires each public college website to show mental health resources including the address of the nearest Local Mental Health Authority.

Last Action:

9- 1-15 G Earliest effective date

HB 2186



[Cook, Byron\(R\)](#)

[Campbell, Donna\(R\)](#)

Relating to suicide prevention training for certain educators and other employees of a school district.

Remarks:

Requires educators outside of special education programs to be trained in suicide prevention annually, rather than only once.

Last Action:

6-19-15 G Earliest effective date

HB 2216



[Coleman, Garnet\(D\)](#)
[Kolkhorst, Lois \(F\)\(R\)](#)

Relating to information required of an applicant for a driver's license.

Remarks: Prohibits asking about a diagnosis of mental illness or psychiatric disorder on driver's license application.

Last Action: 9- 1-15 G Earliest effective date

SB 125



[West, Royce\(D\)](#)
[Naishtat, Elliott\(D\)](#)

Relating to certain assessments for children in the conservatorship of the Department of Family and Protective Services.

Remarks: Requires developmental psycho-social & trauma assessment of child who enters conservatorship.

Last Action: 9- 1-15 G Earliest effective date

SB 133



[Schwertner, Charles\(R\)](#)
[Coleman, Garnet\(D\)](#)

Relating to mental health first aid training for school district employees and school resource officers.

Remarks: Expands the list of school employees who can receive free training in mental health first aid training from local mental health authorities. Requires DSHS to annually report the numbers of educators, other school district employees, and others who received training.

Last Action: 6-17-15 G Earliest effective date

SB 202



[Nelson, Jane\(R\)](#)
[Price, Four\(R\)](#)

Relating to the Department of State Health Services, the provision of health services in this state, and the regulation of certain health-related occupations and activities.

Remarks: Requires development of training for judges and attorneys on alternatives to inpatient commitment to a state hospital for court ordered services.

Last Action: 9- 1-15 G Earliest effective date

SB 239



[Schwertner, Charles\(R\)](#)
[Zerwas, John\(R\)](#)

Relating to student loan repayment assistance for certain mental health professionals.

Remarks: Establishes a loan repayment assistance for physician, advanced practice nurse, and clinical social work students who complete up to five years practice with the Texas Department of State Health Services.

Last Action: 9- 1-15 G Earliest effective date

SB 1129



[Zaffirini, Judith\(D\)](#)
[Raymond, Richard\(D\)](#)

Relating to the transportation of a person with a mental illness.

Remarks: Limits restraint during transport, detention, and apprehension to only methods that allow a person to sit upright, unless in an ambulance.

Last Action: 6-17-15 G Earliest effective date

MENTAL HEALTH – DID NOT PASS

HB 838



[Naishtat, Elliott\(D\)](#)

Relating to the definition of serious mental illness for purposes of certain group health benefit plans.

Remarks: Would have added post traumatic stress to Insurance Code's definition of serious mental illness.

Last Action: 5-20-15 S Referred to Senate Committee on Senate Business and Commerce

[HB 1393](#)



[Turner, Sylvester\(D\)](#)

Relating to the establishment of a home and community-based services program under the Medicaid program for certain persons with severe and persistent mental illness.

Remarks: Would have established an HCBS Medicaid waiver for people with severe and persistent mental illness.

Last Action: 5- 5-15 H Sent to the Calendars Committee

[HB 1873](#)



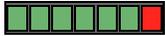
[Naishtat, Elliott\(D\)](#)

Relating to a pilot project to evaluate the use of self-directed mental health services in the integrated Medicaid managed care system.

Remarks: Would have established a four year pilot for voluntary self-directed mental health services in integrated Medicaid managed care for those receiving rehabilitative services from a local mental health authority. The pilot would include a life coach providing supports similar to supported decision-making.

Last Action: 4-13-15 H Committee action pending House Human Services

[SB 359](#)



[West, Royce\(D\)](#)
[Workman, Paul\(R\)](#)

Relating to the authority of a peace officer to apprehend a person for emergency detention and the authority of certain facilities to temporarily detain a person with mental illness.

Remarks: Would have allowed freestanding emergency room to detain a person who asked for help for mental illness; allowed police to take them into custody without a judge's order. Governor vetoed, stating it could "lay the groundwork for further erosion of constitutional liberties."

Last Action: 6- 1-15 G Vetoed by the Governor

EMPLOYMENT AND HIGHER EDUCATION– PASSED

[HB 1807](#)



[Naishtat, Elliott\(D\)](#)
[Zaffirini, Judith\(D\)](#)

Relating to requiring the Texas Higher Education Coordinating Board to maintain an inventory of postsecondary educational programs and services for persons with intellectual and developmental disabilities.

Remarks: Will require Texas Higher Education Coordinating Board to keep, distribute, and update biennially an inventory of postsecondary educational programs and services provided by public colleges and universities to people with IDD. List will be shared on board's website and with TEA.

Last Action: 6-17-15 G Earliest effective date

[HB 3685](#)



[Anderson, Doc\(R\)](#)
[Lucio, Eddie\(D\)](#)

Relating to the employment status of certain individuals engaged in rehabilitative work-training programs.

Remarks: Will require employers of people with disabilities to create WIOA transition plan with timeframes to move from training into competitive employment - including eligibility for unemployment benefits. Excludes employment in state-run programs operated by state hospitals, state supported living centers, and community centers.

Last Action: 1- 1-16 G Earliest effective date

[SB 37](#)



[Zaffirini, Judith\(D\)](#)
[Naishtat, Elliott\(D\)](#)

Relating to a study of the participation of individuals with intellectual or developmental disabilities in public higher education.

Remarks: Will require TEA to maintain data on participation of people with IDD in public higher education, with emphasis on collection of data on recruitment efforts. Will require TEA and Comptroller to have MOU outlining how offices will work together.

Last Action: 9- 1-15 G Earliest effective date

[SB 212](#)



[Birdwell, Brian\(R\)](#)
[Burkett, Cindy\(R\)](#)

Relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the comptroller of public accounts.

Remarks: Will abolish TCPPD and move functions to the Texas Workforce Commission (originally would have moved it to Comptroller). Will expand the advisory council to include people with disabilities who are employed by contractors under the State Use Program.

Last Action: 9- 1-15 G Earliest effective date

[SB 1664](#)



[Perry, Charles \(F\)\(R\)](#)
[Burkett, Cindy\(R\)](#)

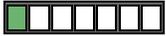
Relating to the establishment of the Texas Achieving a Better Life Experience (ABLE) Program.

Remarks: Establishes Texas ABLE Act accounts for persons who acquired their disability before age 26. The program can only be terminated by the legislature.

Last Action: 6-19-15 G Earliest effective date

EMPLOYMENT AND HIGHER EDUCATION– DID NOT PASS

[HB 3226](#)



[Coleman, Garnet\(D\)](#)

Relating to addressing abusive conduct in the workplace.

Remarks: Would have established workplace bullying policies.

Last Action: 3-24-15 H Introduced and referred to committee on House Business and Industry

[SB 36](#)



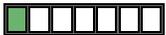
[Zaffirini, Judith\(D\)](#)

Relating to requiring the Texas Higher Education Coordinating Board to maintain an inventory of postsecondary educational programs and services for persons with intellectual and developmental disabilities.

Remarks: Would require Texas Higher Education Coordinating Board to keep, distribute, and update biennially an inventory of postsecondary educational programs and services provided by public colleges and universities to people with IDD. List would be shared on board's website and with TEA.

Last Action: 1-26-15 S Introduced and referred to committee on Senate Higher Education

[SB 38](#)



[Zaffirini, Judith\(D\)](#)

Relating to creation of an employment-first task force advisory committee.

Remarks: Would create advisory committee of 11 or fewer members to make recommendations to the Employment First Task Force on increasing post-secondary education and access for individuals with IDD. Advocates have recommended that the Higher Education Coordinating Board would be the more appropriate location for this committee.

Last Action: 1-26-15 S Introduced and referred to committee on Senate Health and Human Services

[SB 1052](#)



[Zaffirini, Judith\(D\)](#)

Relating to the consideration of ownership interests of certain persons with disabilities in determining whether a business is a historically underutilized business for purposes of state contracting.

Remarks: Would provide HUB status for businesses owned by people with disabilities. EFTF recommendation.

Last Action: 3-16-15 S Introduced and referred to committee on Senate Business and Commerce

[SB 1559](#)

[Zaffirini, Judith\(D\)](#)

Relating to an interagency plan to promote competitive and integrated employment for persons with disabilities.



Remarks: Would require comptroller, TEA, TWC, HHSC and TCPPD to create transition plan by 1/16 to move people with disabilities out of subminimum wage settings and into competitive integrated employment.

Last Action: 3-23-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

EDUCATION – PASSED

[HB 440](#)

[Gonzales, Larry\(R\)](#)

Relating to adapting the public school physical education curriculum to accommodate the needs of students with mental disabilities.



[Watson, Kirk\(D\)](#)

Remarks: Will require accommodations in physical education classes for all student receiving special education services, including those with a mental illness, intellectual and developmental disabilities (IDD), and autism spectrum disorder.

Last Action: 5-23-15 G Earliest effective date

[HB 2684](#)

[Giddings, Helen\(D\)](#)

Relating to the creation of a model training curriculum and to the required training for school district peace officers and school resource officers.



[Whitmire, John\(D\)](#)

Remarks: Will require school district peace officers and school resource offices to be trained on positive behavioral interventions and supports and the behavioral needs of students with disabilities.

Last Action: 9- 1-15 G Earliest effective date

[SB 107](#)

[Whitmire, John\(D\)](#)

Relating to the removal, discipline, or transfer of a public school student.



[Thompson, Senfronia\(D\)](#)

Remarks: Will make the removal of student from campus to another location or to a disciplinary alternative education program discretionary, not mandatory, and requires consideration of whether the student has a disability that affects understanding of code of conduct violations.

Last Action: 6-20-15 G Earliest effective date

[SB 108](#)

[Whitmire, John\(D\)](#)

Relating to criminal procedures for certain misdemeanor offenses committed by children.



[Thompson, Senfronia\(D\)](#)

Remarks: Redefines "child" for criminal school offenses as between ages 10 and 18, not 10 and 17, for justice or municipal court. Prohibits a law enforcement officer or school resource officer from issuing a citation to a child who is alleged to have committed a school offense. A school employee may recommend teen court.

Last Action: 9- 1-15 G Earliest effective date

[SB 149](#)

[Seliger, Kel\(R\)](#)

Relating to the creation of individual graduation committees for certain high school students.

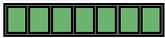


[Huberty, Dan\(R\)](#)

Remarks: Will allow graduation committees to assess whether a student who has not performed satisfactorily on end-of-course assessments can qualify for graduation based on other criteria. Does not affect the role of the ARD as final decision maker for students receiving special education services.

Last Action: 5-11-15 G Earliest effective date

[SB 507](#)



[Lucio, Eddie\(D\)](#)
[Thompson, Senfronia\(D\)](#)

Relating to the placement of video cameras in self-contained classrooms providing special education services.

Remarks: Will require a school district or open enrollment charter school to provide video camera for self-contained classrooms or other special education settings on request of a parent or a school trustee/staff. Parental notification is required, parental consent is not required, and language providing for removal of cameras in response to parental objections was not adopted. Provides that excess Foundation School funds may be used for grants to purchase equipment, with priority given to certain districts.

Last Action: 6-19-15 G Earliest effective date

[SB 674](#)



[Campbell, Donna\(R\)](#)
[Coleman, Garnet\(D\)](#)

Relating to instruction regarding mental health, substance abuse, and youth suicide in educator training programs.

Remarks: Will change educator academic requirements from detection of to instruction in mental health, substance abuse, suicide from a list of best practices, including de-escalation and positive behavioral interventions and supports.

Last Action: 6-19-15 G Earliest effective date

[SB 836](#)



[Watson, Kirk\(D\)](#)
[Rodriguez, Eddie\(D\)](#)

Relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

Remarks: Will transfer responsibilities for physical maintenance of Texas School for the Blind and Texas School for the Deaf to the Texas Facilities Commission.

Last Action: 5-29-15 G Earliest effective date

[SB 1259](#)



[Rodriguez, Jose\(D\)](#)
[Allen, Alma\(D\)](#)

Relating to the committee developing a student's individualized education plan, the written report of the committee, and a regular education teacher's opportunity for input.

Remarks: Will require general education teacher on IEP to be one of the student's teachers and to provide input into IEP; will require the ARD report to document decisions and include dates, names, positions, and signatures of members, with parent, student if adult, and administrator's agreement or disagreement with decisions noted; members of committee disagreeing will be provided opportunity for statement to be included in report.

Last Action: 6-19-15 G Earliest effective date

[SB 1867](#)



[Zaffirini, Judith\(D\)](#)
[Aycocock, Jimmie Don\(R\)](#)

Relating to excluding certain adult students receiving special education services from computation of dropout and completion rates for purposes of public school accountability.

Remarks: Will exclude enrolled students receiving special education services from computation of dropout and completion rates if they are 18 or older and have satisfied credit requirements for graduation and have not completed their IEP.

Last Action: 6-19-15 G Earliest effective date

EDUCATION – DID NOT PASS

[SB 1584](#)



[Lucio, Eddie\(D\)](#)

Relating to positive behavioral interventions and supports for students enrolled in public school who receive special education services.

Remarks: Would promote PBIS and give conditions under which restraint may be used as an emergency intervention, prohibiting use in a behavioral intervention plan; with documentation, parental and district notification requirements and ARD referral for consideration. Would add PBIS and bullying to training options; would require PBIS

training of some general education teachers who work with students with disabilities. School administrators had concerns with training requirements for using restraint and with staffing functional behavior analyses.

Last Action: 5-14-15 H Referred to House Committee on House Public Education

[SB 1871](#)



[Lucio, Eddie\(D\)](#)

Relating to the establishment of the Texas Board of Behavior Analyst Examiners and the requirement to obtain a license to practice as a behavior analyst or assistant behavior analyst.

Remarks: Would establish a Texas Board of Behavior Analyst Examiners licensure and scope of practice. Would not add requirements in addition to the national certification requirements. Necessary for BCBAs to bill Medicaid for services provided by staff they supervise. Concerns were that the requirements for supervised practice hours and other qualification factors were not on par with similar professions like licensed professional counselors and licensed social workers.

Last Action: 3-25-15 S Introduced and referred to committee on Senate Health and Human Services

GUARDIANSHIP – PASSED

[HB 39](#)



[Smithee, John\(R\)](#)

[Zaffirini, Judith\(D\)](#)

Relating to guardianships for incapacitated persons.

Remarks: Lists alternatives to guardianship behind purpose statement in code and directs court to determine if alternatives will prevent need for guardianship; adds services and supports to statute and requires the court to determine if supports are in place or available that enable individuals to meet their needs and make decisions so that guardianship may be averted or limited; requires additional information from the physician about the proposed incapacitated person; adds consideration of the proposed person's capacity to make decisions about residence; and adds one hour of training on alternatives to guardianship for the applicant's attorney. SB1881 regarding supported decision-making was amended to this bill.

Last Action: 9- 1-15 G Earliest effective date

[HB 1337](#)



[Naishtat, Elliott\(D\)](#)

[Zaffirini, Judith\(D\)](#)

Relating to requiring institutions and assisted living facilities to maintain guardianship orders of residents.

Remarks: Requires assisted living facilities and other institutions under Texas Health and Safety Code 242 to request and maintain a copy of guardianship orders.

Last Action: 9- 1-15 G Earliest effective date

[HB 1438](#)



[Thompson, Senfronia\(D\)](#)

[Zaffirini, Judith\(D\)](#)

Relating to guardianships and other matters related to incapacitated persons.

Remarks: Requires guardian bond to remain in effect during transfer; notice to person if their financial records are being investigated; intervention into a guardianship proceeding; adds great-grandparents/children to list of relatives to third degree; allows court to require deposit of a person's assets to a financial institution for safekeeping; and requires notice to family of change in guardian. Added three bills by amendment:

1. HB3914 requiring notice and opportunity to dissent in court-initiated guardianship process;
2. HB2733 allowing court to determine equitable costs for certain services; and
3. HB4058 allowing ad litem and investigators access to private financial records in court-initiated guardianship.

Last Action: 9- 1-15 G Earliest effective date

[HB 2665](#)



[Moody, Joe\(D\)](#)
[Zaffirini, Judith\(D\)](#)

Relating to access to and receipt of certain information regarding a ward by certain relatives of the ward.

Remarks: Allows a relative to ask the court for visitation and communication with a person. Requires court to decide within 60 days or 10 days if emergency. Prohibits the guardian from denying the access when court approved. Requires guardians to keep certain relatives informed of status of the person, such as hospitalization or change of residence.

Last Action: 6-19-15 G Earliest effective date

[HB 3092](#)



[Rose, Toni\(D\)](#)
[West, Royce\(D\)](#)

Relating to developing and maintaining risk assessment criteria for use by department personnel in determining whether an elderly or disabled person is in imminent risk of abuse.

Remarks: Establishes a pilot to evaluate benefit of protective services to elderly and people with disabilities determined to be at risk of future harm from abuse, neglect or exploitation. There is potential for infringement of self-determination and determination of the need for guardianship.

Last Action: 9- 1-15 G Earliest effective date

[HB 3424](#)



[Smithee, John\(R\)](#)
[Zaffirini, Judith\(D\)](#)

Relating to a central database containing information about certain individuals under guardianship.

Remarks: Requires a study by Office of Court Administration on establishing a central database containing names of individuals under guardianship, their guardian, and contact information with best practices for privacy.

Last Action: 9- 1-15 G Earliest effective date

[SB 512](#)



[Zaffirini, Judith\(D\)](#)
[Thompson, Senfronia\(D\)](#)

Relating to the promulgation of certain forms for use in probate matters.

Remarks: Requires the Texas Supreme Court to create forms (including instructions) in plain English and Spanish for simple wills and small estates. Requires only probate courts to inform general public that these forms are appropriate and available at no charge.

Last Action: 9- 1-15 G Earliest effective date

[SB 1369](#)



[Zaffirini, Judith\(D\)](#)
[Smithee, John\(R\)](#)

Relating to reports on attorney ad litem appointments made by courts in this state.

Remarks: Adds the term "competency evaluator" for a licensed or certified physician or psychologist who determines if a person is incapacitated for purposes of guardianship. Requires courts to report court appointments related to guardianship (ad litem, guardian, competency evaluator or mediator) to the Office of Court Administration.

Last Action: 9- 1-15 G Earliest effective date

[SB 1876](#)



[Zaffirini, Judith\(D\)](#)
[Smithee, John\(R\)](#)

Relating to the appointment of attorneys ad litem, guardians ad litem, and mediators.

Remarks: Requires every Texas court with population greater than 25,000 to establish, maintain and post a list of attorneys qualified to serve as attorney or guardian ad litem or mediator and requires rotation in appointment. If agreed by parties someone not on the list may be engaged.

Last Action: 9- 1-15 G Earliest effective date

[SB 1881](#)



[Zaffirini, Judith\(D\)](#)
[Pena, Gilbert \(F\)\(R\)](#)

Relating to authorizing supported decision-making agreements for certain adults with disabilities.

Remarks: Establishes supported decision-making as an informal alternative to guardianship. Texas is the first state to pass such legislation.

Last Action: 6-19-15 G Earliest effective date

[SB 1882](#)



[Zaffirini, Judith\(D\)](#)
[Thompson, Senfronia\(D\)](#)

Relating to a bill of rights for wards under guardianship.

Remarks: Establishes a bill of rights for individuals under guardianship with 24 rights, such as the right to live, work and play in the most integrated setting, visit with people of their choice, appear before the court to express their preferences or concerns and to petition the court for termination or modification or a different guardian.

Last Action: 6-19-15 G Earliest effective date

GUARDIANSHIP – DID NOT PASS

[HB 2998](#)



[Rodriguez, Justin\(D\)](#)

Relating to adoption of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Remarks: Would have added Texas to 42 states with UAGPPJA for uniform rules for guardianship jurisdiction and due process.

Last Action: 5-14-15 H Set on the House Calendar

[HB 3930](#)



[Hughes, Bryan\(R\)](#)

Relating to the provision of care and treatment to certain incapacitated persons.

Remarks: Would have added protections for individuals committed to institutional settings by requiring the guardian to personally visit an institution before admission, make monthly visits, and provide timely response to communications from physicians, family members, attorneys, etc.

Last Action: 3-23-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

MISCELLANEOUS – PASSED

[HB 1317](#)



[Bohac, Dwayne\(R\)](#)
[Seliger, Kel\(R\)](#)

Relating to the designation of van-only parking spaces for use by persons with disabilities.

Remarks: Requires the Governor's Committee on People with Disabilities with disability groups from rural and urban areas to review laws and standards of Texas and other states that apply to parking for persons with disabilities.

Last Action: 9- 1-15 G Earliest effective date

[SB 1664](#)



[Perry, Charles \(F\)\(R\)](#)
[Burkett, Cindy\(R\)](#)

Relating to the establishment of the Texas Achieving a Better Life Experience (ABLE) Program.

Remarks: Establishes Texas ABLE Act accounts for persons who acquired their disability before age 26. The program can only be terminated by the legislature.

Last Action: 6-19-15 G Earliest effective date

MISCELLANEOUS – DID NOT PASS

[HB 659](#)



[Raymond, Richard\(D\)](#)

Relating to the waiver of state park, museum, and other state-operated facility entrance fees for persons with certain disabilities.

Remarks: Would have allowed people with intellectual or developmental disabilities and their paid attendant to have free admission to state parks, museums or other state operated facilities.

Last Action: 5-15-15 S Referred to Senate Committee on Senate Agriculture, Water, and Rural Affairs

[HB 1328](#)



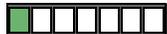
[Turner, Chris\(D\)](#)

Relating to a credit against the ad valorem taxes imposed on certain real property used to provide housing to certain persons with disabilities.

Remarks: Would have provided a tax credit for unregulated group homes and ICF-ID facilities. Conflicted with Olmstead.

Last Action: 5-11-15 H Sent to the Calendars Committee

[SB 1745](#)



[Hinojosa, Chuy\(D\)](#)

Relating to the liability of the state for a violation of the federal Americans with Disabilities Act.

Remarks: Would have replaced sovereign immunity with limited liability re ADA violations.

Last Action: 3-24-15 S Introduced and referred to committee on Senate State Affairs

Sunset Update: Health & Human Services Agencies

The Sunset Advisory Commission made significant recommendations regarding the state's five largest health and human services (HHS) agencies. Some of these recommendations were included in bills that were considered by the 84th Texas Legislature. The summary below details how the Sunset recommendations were addressed during the legislative session.

Overview: HHS Consolidation

The Sunset Advisory Commission is required to periodically review each state agency to determine whether the agency's functions are necessary. If the agency's functions are necessary, the Sunset Commission determines how the agency (or the agency's functions) can be managed more efficiently. The Sunset Commission develops recommendations that are submitted to the legislature. The latest review conducted by the Sunset Commission involved the five largest HHS agencies in Texas:

- Department of Aging and Disability Services (DADS)
- Department of Assistive and Rehabilitative Services (DARS)
- Department of Family and Protective Services (DFPS)
- Department of State Health Services (DSHS)
- Health and Human Services Commission (HHSC)

In February 2015, the Sunset Commission submitted a report to the Texas Legislature that summarized its recommendations. The most significant change recommended was the consolidation of the five HHS agencies into one commission under HHSC.

However, in March 2015, Governor Greg Abbott's HHSC Strike Force changed the course of the Sunset legislation. Following the HHSC 21CT controversy, which brought to light faulty contracting procedures for fraud detection services, the Strike Force was deployed. The Strike Force – a special team assembled to examine the inner workings of HHSC – published a report that detailed serious concerns about HHSC and addressed the following key areas:

- the 21CT controversy
- the Office of the Inspector General's use of fraud detection technologies
- contracting procedures in general
- organization and management
- consolidation of the HHS agencies
- vision and leadership

The problems identified prompted changes to the consolidation timeline. DADS, DARS, parts of DFPS (excluding adult and child protective services), DSHS (excluding public health and data collection), and HHSC would be combined not later than September 1, 2017. Remaining functions at DFPS and DSHS would be assessed for consolidation with HHSC in September 2018.

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DADS: SSLCs & Day Habilitation Programs

The Sunset Commission's report to the Legislature noted the 13 State Supported Living Centers' (SSLCs) declining enrollment, increasing costs, and questionable quality. The DADS Sunset bill, SB 204, contained the most significant Sunset Commission SSLC recommendations.

SB 204 would have required the Austin SSLC to close in 2017 and would have required the creation of an SSLC Restructuring Commission to determine the future of SSLCs in Texas. The bill passed the Senate, but then the House voted to remove these two provisions from the bill.

SB 204 failed to pass. The fate of its other less controversial provisions, including improvements to the Quality Reporting System, and to the quality and safety of services in day habilitation facilities, have yet to be determined.

DARS: Transfer to HHSC & TWC

Sunset staff recommended DARS responsibilities be reorganized to eliminate the duplication of services and other inefficiencies. The DARS Sunset bill ([HB 2463](#)) and the Texas Workforce Commission (TWC) Sunset bill (SB 208) provide the basis for a two-year transition plan of the reorganization of DARS responsibilities.

The DARS Sunset bill also governs functions that are being transferred to HHSC by September 1, 2016, including the Blind Children's Vocational Discovery and Development Program, Disability Determination Services, the Independent Living (IL) Program for individuals who are blind or have visual impairments, and the IL Program for individuals with significant disabilities. The TWC Sunset bill transfers the following programs from DARS to TWC, effective September 1, 2016:

- Vocational Rehabilitation Program for people who are visually impaired as well as people with other disabilities
- Criss Cole Rehabilitation Center
- Business Enterprises of Texas
- IL Services to Older Individuals who are Blind
- Rehabilitation Council of Texas

Note: the ILGeneral and the ILBlind Programs will transfer to HHSC and the program known as the "Older Blind Program" will transfer to TWC. Within a year following the transfer of functions from DARS to TWC, TWC is required to meet the deadlines listed below:

- October 1, 2017: combine the separate vocational rehabilitation programs for individuals with visual impairments and individuals with other disabilities.
- August 31, 2018: integrate DARS vocational rehabilitation staff into TWC's local workforce development boards and centers.

What's Next

A Transition Legislative Oversight Committee will be appointed by October 1, 2015 [for the health and human services consolidation](#). The HHSC executive commissioner will submit a transition plan to the oversight committee by March 2016.

Published date: June 10, 2015

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Update: Autism Services in Texas

Statewide planning for services and supports for children diagnosed with autism spectrum disorder (ASD) is challenging because understanding of the disorder is evolving, individual needs can vary widely, and the availability of the patchwork of services does not currently meet the known demand.

Due to recent action taken by the 84th Texas Legislature and guidance from the Centers for Medicare and Medicaid Services (CMS), more people in Texas may have access to the full array of services and supports necessary to meet their individual needs.

State-Funded Autism Services

Services for children with ASD received significant attention during the 84th Texas Legislature. The appropriations allocated during the legislative session for autism services are detailed below.

- \$14.4 million was allocated to the Texas Department of Assistive and Rehabilitative Services (DARS) to:
 - phase out Comprehensive applied behavior analysis (ABA) for children enrolled by August 15, 2015;
 - expand access to Focused ABA; and
 - provide services to 1,970 children (295 children received services in 2014).
- \$8.1 million was allocated to the Higher Education Coordinating Board to purchase trainings for shareholders to reach more children with ASD through the indirect service provision. The funds will be used for:
 - parent-directed treatment training (\$4.5 million);
 - board-certified behavior analyst (BCBA) training for teachers and paraprofessionals (\$1.9 million);
 - research, development, and evaluation of innovative treatment models (\$1.4 million); and
 - administrative support (\$300,000).

During the 84th Texas Legislature, a bill to license BCBA's in Texas failed to pass. Although BCBA's have national certification, state licensure is necessary in order to bill Medicaid for work done by people they supervise. People in favor of licensure state that it will increase the number of BCBA's in Texas (currently about 900) and also that it will prevent unqualified persons from representing themselves as experts in behavior analysis. Opponents of the bill were concerned that qualification for licensure did not require the same level of training and experience as similar professions. Legislation to license BCBA's will likely be reintroduced during the 85th Texas Legislative Session that convenes January 10, 2017.

Medicaid-Funded Autism Services

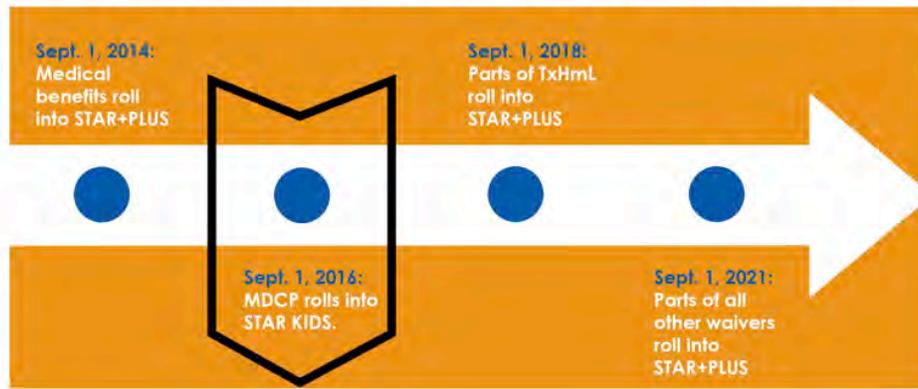
In July 2014, CMS issued a letter titled Clarification of Medicaid Coverage of Services to Children with Autism. The letter instructed states to make all covered services available in order to meet each child's individual needs. States were instructed to cover the services listed below.

- Services under the Social Security Act, including:
 - services of other licensed practitioners
 - preventive services
 - therapy services
 - services funded under the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) program
 - physician services
 - private duty nursing
 - personal care services
 - home health
 - medical equipment and supplies
 - rehabilitative services
- Vision, hearing, and dental services
- Speech, occupational, and physical therapies

The CMS letter led Texas Medicaid officials to begin working on making services – like those available to children enrolled in EPSDT – available to adults on a statewide basis as part of the Medicaid State Plan. Once the updated Medicaid State Plan is implemented, Texas will be closer to providing the full array of services and supports necessary to meet the individual needs of every child and adult diagnosed with ASD.

Published date: July 15, 2015

Changing Medicaid Benefits



Update: Transition to Managed Care

If they haven't yet, many Texans with disabilities will transition from traditional Medicaid to managed care and how they receive their health care could change. People with intellectual and developmental disabilities (I/DD) over 21-years-old already began to receive acute care (medical) services through the STAR+PLUS managed care program on September 1, 2014.

The information below includes the dates and details of future changes that could affect people with disabilities in Texas, including children and young adults. (Note: some dates have changed recently due to HB 3523, 84th Texas Legislature, 2015).

- **September 1, 2016** – Children and young adults, up to 21 years, receiving Social Security Income and children and young adults participating in waivers [Medically Dependent Children Program (MDCP), Youth Empowerment Services (YES), Home and Community-based Services (HCS), Community Living Assistance and Support Services (CLASS) and Deaf Blind Multiple Disability (DBMD)] are expected to begin to receive their medical benefits from the STAR KIDS managed care program.
 - Children and young adults, up to 21 years, using the Medically Dependent Children Program (MDCP) will also begin to receive long term services and supports from STAR KIDS.
 - Children and young adults, up to 21 years, using IDD waivers (HCS, CLASS, DBMD) may continue to receive long term services and supports from their waiver, but their medical benefits are expected to be provided by STAR KIDS.
- **UPDATE: September 1, 2018** (previous date was September 1, 2017) – Parts of the Texas Home Living (TxHmL) waiver are expected to become entitlement services in the STAR+PLUS program. Persons with IDD with incomes up to 100% of SSI are expected to have access to some long term services and supports without a wait. The full list of services included as entitlements are currently unknown.
- **UPDATE: September 1, 2021** (previous date was September 1, 2020) – Parts of the HCS, CLASS and DBMD waiver programs are expected to roll into the STAR+PLUS managed care program.