



SENATE COMMITTEE ON HUMAN RESOURCES

SENATE CHAMBER
AUSTIN, TEXAS 78711

John Payton
Staff Director

Senator Chet Brooks,
Chairman
Senator Bob Gammage,
Vice Chairman
Senator Betty Andujar
Senator Bill Braecklein
Senator Ron Clower
Senator Lloyd Doggett
Senator Ike Harris
Senator Frank Lombardino
Senator Bill Meier
Senator Walter Mengden
Senator Bill Patman

May 29, 1975

AGENDA

1. Call to order.
2. Roll call.
3. New Business.
 - H.B. 21, Leland/Gammage, generic substitution
 - H.B. 446, Von Dohlen/Gammage, emergency medical care
 - H.B. 569, Leland/Gammage, health certificates for child care personnel
 - H.B. 668, Chavez/Longoria, rehabilitation districts for the handicapped
 - H.B. 1073, Reyes, Welfare Department supervision of certain Federally funded programs
 - H.B. 1308, Hudson, day care
 - H.B. 1334, Von Dohlen/Traeger, definition of dentistry
 - H.B. 1481, O'Kelly/Santiesteban, El Paso facility for juvenile offenders
 - H.B. 1550, Bynum/Sherman, optometry licensing
 - H.B. 1661, Denton/Gammage, Board of Nursing Home Examiners
 - H.B. 1854, Denton
 - H.B. 2076, Von Dohlen/Hance, disclosure of information on welfare recipients
 - S.B. 550, Gammage, Day care centers
4. Recess

SENATE HUMAN RESOURCES COMMITTEE
MINUTES OF MEETING ON MAY 29, 1975

TIME: 7: p.m.

PLACE: LIEUTENANT GOVERNOR'S
COMMITTEE ROOM

MEMBERS PRESENT: Brooks, Chairman; Gammage, Vice Chairman;
Andujar; Braecklein; Clower; Doggett;
Lombardino; Mengden and Patman.

A quorum being present, Vice Chairman Gammage headed the Chair. The Chair laid out Senator Gammage's proposed budget for the Interim Standing Subcommittee on Public Health and Welfare for the period beginning June 1, 1975 and ending August 31, 1975. Senator Gammage moved that the budget be adopted and sent to the Committee on Administration for their approval. There being no objection, the budget was adopted.

The Committee stood recessed temporarily until they could get a quorum. The Committee came back to order and the Chair laid out H.B. 446 and recognized Senator Gammage to explain the measure. This bill related to emergency medical care. The Chair recognized the following witness to testify in favor of H.B. 446.

Sam V. Stone, Texas Medical Association, for H.B. 446 was held as pending business until the next meeting.

The Chair laid out H.B. 569, by Leland/Gammage, and recognized Senator Gammage to explain the measure. This bill related to health certificates for child care personnel. The following witness was called to testify in favor of H.B. 569:

James Strickland, Texas Association Title IV. A Day Care Providers; For H.B. 569 was left as pending business.

The Chair laid out H.B. 668, by Chavez/Longoria, and recognized Representative Chavez to explain the measure. The bill related to rehabilitation districts for the handicapped. H.B. 668 was held pending pending until a quorum was present.

Vice Chairman Gammage took the Chair and laid out H.B. 1073, by Reyes, and explained the measure. This bill related to Welfare Department Supervision of certain federally funded programs. Senator Brooks moved that H.B. 1073 be reported back to the Senate with the recommendation that it do pass and be printed. The clerk called the roll. There being 6 yeas and no nays, H.B. 1073 was reported back to the Senate favorably. The following witness was present to testify in favor of H.B. 1073: Jeff Skarda, Houston Legal Foundation; For.

The Chair entertained a motion on H.B. 668. Senator Gammage moved that H.B. 668 be reported back to the Senate with the recommendation that it do pass and be printed. The clerk called the roll. There being 6 yeas and no nays, H.B. 668 was reported back to the Senate favorably. The following witness was present to testify for H.B. 668: Bob Winn, Board of South Texas Rehabilitation District; Resource.

The Chair entertained a motion on H.B. 569. Senator Gammage moved that H.B. 569 be reported back to the Senate with the recommendation that it do pass and be printed. The clerk called the roll. There being 6 yeas and no nays, H.B. 569 was reported back to the Senate favorably. Senator Brooks asked for and received unanimous consent to have H.B. 569 sent to the Local Calendar Committee for consideration.

The Chair laid out H.B. 1308, by Hudson, and recognized Representative Hudson to explain the measure. This bill related to day care centers. Senator Gammage moved that H.B. 1308 be reported back to the Senate with the recommendation that it do pass and be printed. The clerk called the roll. There being 7 yeas and no nays, H.B. 1308 was sent to the Local Calendar Committee for consideration. The following witness testified in favor of H.B. 1308: James Studard, Texas Assn. of Title IV.A., Day Care Providers; For

The Chair laid out H.B. 1334, by Von Dohlen/Traeger, and recognized Senator Traeger to explain the measure. This bill related to the definition of dentistry. Senator Mengden sent up Committee Amendment No. 1. There being no objection, Committee Amendment No. 1 was adopted. Senator Lombardino moved that H.B. 1334 be reported back to the Senate with the recommendation that it do pass and be printed as amended. The clerk called the roll. There being 7 yeas and no nays, H.B. 1334 was reported back to the Senate favorably. The following witnesses were present to testify in regard to H.B. 1334:

James M. Duncan, Self; For
 Dr. John W. Helton, Self; For
 Dr. Robert V. Walker, Self; For
 Melvin E. Corley, Texas Dental Assn.; For
 Sam O. Stone, Texas Medical Assn.; Against

The Chair laid out H.B. 1481, by O'Kelly/Santiesteban, and recognized Senator Santiesteban to explain the bill. This bill related to El Paso facility for juvenile offenders. H.B. 1481 was held as pending business.

The Chair laid out H.B. 1550, by Bynum/Sherman, and recognized Senator Sherman to explain the measure. This bill related to optometry licensing. H.B. 1550 was held as pending business.

The Chair laid out H.B. 1661, by Denton/Gammage, which had been tagged requesting 48 hours advance notice of hearing. The Chair determined all requirements had been met pursuant to Senate Rule 105. The Chair recognized Senator Gammage to explain the measure. This bill related to the Board of Nursing Home Examiners. The Chair recognized Representative Denton to explain the bill also. The following witnesses were present to testify in regard to H.B. 1661:

Sid Rich, Texas Nursing Home Assn; Against
 W. S. Bussey, A.A.R.P. and N.R.T.A.; For
 Lyle Hamner, NARFETTSCATAARPT NRTA/TRTA; For
 Wilfred G. Millington, D.O., Texas Board of Nursing Home Admn.;
Resource
 E. M. Lawrence, Nursing Home Adminis.; Resource
 Alvin A. Burger, Adult Services Council; For
 Richard McCarroll, Tex. Brd. of Licensure for Nursing Home
 Administrators; Resource

With the permission of the Committee by unanimous consent, Senator Brooks withdrew H.B. 1661 and laid out H.B. 1854, by Denton/Jones, and recognized Senator Jones to explain the measure. Senator Gammage sent up Committee Amendment No. 1. There being no objection, Committee Admentment No. 1. was adopted. H.B. 1854 was left pending.

Senator Andujar took the Chair temporarily. The Chair laid out H.B. 2076, by Von Dohlen/Hance, and recognized Senator Hance to explain the measure. This bill related to the disclosure of information on welfare recipients. H.B. 2076 was left pending until there was a guorum present.

Representative Hudson testified on behalf of S.B. 550, while the Committee stood at ease until a quorum was present. Senator Gamange sent up Committee Amendment No. 1. to S.B. 550, which was the Committee Substitute. There being no objection, Committee Amendment No. 1. was adopted. Senator Gammage sent up Committee Amendment No. 2. There being no objection, Committee Amendment No. 2 was adopted. The following witness testified in favor of S.B. 550:

James Studard, Tex. Assoc. of Title IV. A
Day Care Proviars; For

The testimony on H.B. 1661 was concluded. The Chair temporarily withdrew H.B. 1661 for the purpose of taking motions on the contested bills. H.B. 1481 was again laid out. Senator Patman moved that H.B. 1481 be reported back to the Senate with the recommendation that it do pass and be printed. The clerk called the roll. There being 6 yeas and no nays, H.B. 1481 was reported back to the Senate favorably. Senator Santiesteban asked to have H.B. 1481 sent to the Local Calendar Committee for consideration.

The Chair laid out H.B. 1550, again and Senator Patman moved that H.B. 1550 be reported back to the Senate with the recommendation that it do pass and be printed. The clerk called the roll. There being 6 yeas and no nays, H.B. 1550 was reported back to the Senate favorably.

The following witness was present to testify in favor of H.B. 1550:

Dr. W. C. Treadwell, Jr., Texas Optometric Assn; For

The Chair laid out H.B. 1854 again and Senator Patman moved that H.B. 1854 be reported back to the Senate with the recommendation that it do pass and be printed as amended. The clerk called the roll. There being 6 yeas and no nays, H.B. 1854 was reported back to the Senate favorably.

The Chair laid out H.B. 2076 again and Senator Clower moved that H.B. 2076 be reported back to the Senate with the recommendation that it do pass and be printed. The clerk called the roll. There being 6 yeas and no nays, H.B. 2076 was reported back to the Senate favorably.

Senator Clower moved that H.B. 446 and H.B. 1661 be postponed for further consideration until 9:00 a.m., May 30, 1975.

The Committee recessed subject to the call of the Chair.

ATTEST

John Gayton

BILL ANALYSIS

Background Information:

It is felt that a need exists for the enactment of legislation requiring persons preparing or dispensing food in a child care facility to have a health certificate signed by a physician.

What the Bill Proposes to Do:

Amends present law by requiring that persons preparing or dispensing food in a child care facility have a health certificate signed by a physician within the previous 12 months.

Section by Section Analysis:

Section 1. Subsection 1, Section 8(a), Article 695c, V.T.C.S. is amended by adding Paragraph (K) which defines "person" as an individual, an agency, an association, or a corporation.

Section 2. Section 8(a), Article 695c, V.T.C.S., is amended by adding Subsection 4a which provides that persons preparing or dispensing food in a child care must secure a health certificate signed by a licensed physician within the previous 12 months.

Section 3. Amends Subsection 12, Section 8(a), Article 695c, V.T.C.S. by providing for a misdemeanor penalty for a violation of Section 2 of this Act.

Section 4. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H. B. No. 569 in a public hearing on May 13, 1975.

The Committee voted, on May 15, 1975, by a record vote of 6 yeas and 0 nays, to report the measure back to the House favorably with amendments.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 6, 1975

Honorable Lynn Nabers, Chairman
Committee on Health and Welfare
House of Representatives
Austin, Texas

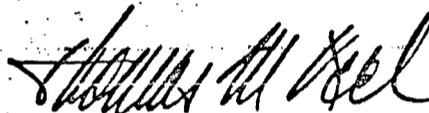
In Re: House Bill No. 569
By: Leland

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of H. B. No. 569 (relating to requiring health certificates of persons preparing or dispensing food served in child care facilities) to be as follows:

Because the Department of Public Welfare already requires all child care personnel, not only food service staff, to have a valid health card or physician's statement, H. B. 569, if enacted, would require no additional funding.

No fiscal implication or additional cost to the State is anticipated in the event H. B. No. 569 should pass and become law.



Thomas M. Keel
Director

MASTER FILE

Eng 37

By: Leland, Miller, et al.

H.B. No. 569

A BILL TO BE ENTITLED

AN ACT

1 relating to requiring health certificates of persons preparing
2 or dispensing food served in child care facilities; defining the
3 word "person"; amending Subsection 1, Section 8(a), The Public
4 Welfare Act of 1941 (Article 695c, Vernon's Texas Civil Statutes),
5 by adding Paragraph (k); amending Subsection 12, Section 8(a),
6 The Public Welfare Act of 1941, as amended (Article 695c, Vernon's
7 Texas Civil Statutes), and adding Subsection 4a; and declaring
8 an emergency.
9

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

11 Section 1. Subsection 1, Section 8(a), The Public Welfare
12 Act of 1941 (Article 695c, Vernon's Texas Civil Statutes), is
13 amended by adding Paragraph (k) to read as follows:

14 "(k) Person. Person includes an individual, an agency,
15 an association, or a corporation."

16 Sec. 2. Section 8(a), The Public Welfare Act of 1941, as
17 amended (Article 695c, Vernon's Texas Civil Statutes), is amended
18 by adding Subsection 4a to read as follows:

19 "4a. Health Certificate.

20 "(a) No person operating a child care facility may allow
21 an individual to prepare or dispense food served in the facility
22 if the individual does not possess as a minimum requirement a
23 health certificate signed by a licensed physician within the
24 previous 12-month period.

25 "(b) The State Department of Public Welfare shall check

1 the certificates during its inspection visits.

2 "(c) The Department of Public Welfare may, after
3 consultation with the Department of Public Health, require
4 additional minimum public health safety requirements of the persons
5 covered by this Act."

6 Sec. 3. Subsection 12, Section 8(a), The Public Welfare
7 Act of 1941, as amended (Article 695c, Vernon's Texas Civil
8 Statutes), is amended to read as follows:

9 "12. Misdemeanor.

10 "Any person who (i) impersonates an official, employee,
11 representative, agent, or solicitor of any licensed institution
12 or agency within the scope of this Act, (ii) falsely represents
13 himself as representing a licensee under this Act, (iii) solicits
14 funds in the name of, or for, any licensee under this Act without
15 authorization, ~~(iv)~~ (iv) without a license conducts a child-caring
16 institution, a commercial child-caring institution, a child-placing
17 agency, or places children for adoption, or (v) violates the
18 provisions of Subsection 4a of this section, is guilty of a
19 misdemeanor and upon conviction is punishable by a fine of not
20 more than One Thousand Dollars (\$1,000), or confinement in county
21 jail for not more than one (1) year, or both. Each day of
22 violation shall be considered a separate offense."

23 Sec. 4. The importance of this legislation and the crowded
24 condition of the calendars in both houses create an emergency and
25 an imperative public necessity that the constitutional rule
26 requiring bills to be read on three several days in each house

H.B. No. 569

1 be suspended, and this rule is hereby suspended, and that this
2 Act take effect and be in force from and after its passage, and
3 it is so enacted.

-END-

By: Chavez, Torres, et al.

BILL ANALYSIS

Background Information:

It is felt that a need exists for a redefinition of terms relating to handicapped persons and for the amendment of the statutes relating to rehabilitation districts for handicapped persons.

What This Bill Proposes to Do:

Amends sections of the Texas Education Code relating to handicapped persons and rehabilitation districts for handicapped persons. Extends the definition of handicapped person or handicapped scholastic to include all handicapping conditions. Provides for alternative school settings for persons aged 14 to 21.

Section by Section Analysis:

Section 1. Amends Subdivisions (1), (2), and (3), Section 26.01, Texas Education Code by redefining "handicapped person" or "handicapped scholastic", "special services" and "nonhandicapped Scholastic".

Section 2. Amends Section 26.01, Texas Education Code by adding Subdivision (8) which defines "alternative school." Said school shall be for those scholastics unable to further their educations in existing programs — stresses training for the world of work and coping behavior in order to survive in our societies.

Section 3. Amends Sections 26.11, 26.65, and 26.71, Texas Education Code.

Section 26.11: Provides for the reception of benefits from rehabilitation districts by "handicapped scholastics."

Section 26.65: Provides for the availability of personnel and funds for rehabilitation districts to insure educational services to handicapped persons.

Section 26.71: Provides for cooperation among the Texas Rehabilitation Commission and the Texas Employment Commission and all other state agencies in assisting to place their employable trainees.

Section 4. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 668 in a public hearing on March 25, 1975.

The measure was referred to subcommittee and reported back favorably without amendments on May 6, 1975.

The Committee voted, on May 15, 1975, by a record vote of 6 yeas and 0 nays, to report the measure back to the house favorably without amendments.

FISCAL NOTE

March 18, 1975

Honorable Lynn Nabers, Chairman
Committee on Health and Welfare
House of Representatives
Austin, Texas

In Re: House Bill No. 668
By: Chavez

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 668 (relating to rehabilitation districts for handicapped persons) to be as follows:

1. This bill would extend the definition of handicapped person or handicapped scholastic to include all handicapping conditions, for those in the age group 14-21 to be made eligible for alternative school settings in the rehabilitation districts. It also includes non-handicapped students, ages 14-21, as eligible for such services.
2. For non-handicapped individuals in need of alternative school placement, there would probably be no increase in cost. Attendance would be transferred and earned in the rehabilitative district. No special education funds would be used for the non-handicapped students attending.

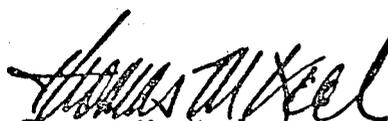
If students being transferred to the rehabilitation district come from Plan B Special Education Districts (applicable only until 1976-77), the cost will be a mere trade-off between the sending district and the rehabilitation district.

Where the sending district is a Plan A district, the unit entitlements of the sending district do not usually decrease, which would therefore, not offset the increase in cost of units received by the rehabilitation district.

3. There is only one rehabilitation district in existence, the Rio Grande Rehabilitation District. It is unlikely that additional districts will be established. Creation of such district would involve petitions to county commissioners, elections, and the establishment of taxing authority. Therefore, estimated costs are based only on the Rio Grande Rehabilitation District.

<u>Year</u>	<u>Additional State Costs</u>
1975-76	\$ -0-
1976-77	38,801
1977-78	84,388
1978-79	138,005
1979-80	199,579

4. Similar annual costs will continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

MASTER FILE

Engrossed

By: Chavez, Torres, et al.

H.B. No. 668

A BILL TO BE ENTITLED

AN ACT

1 relating to rehabilitation districts for handicapped persons;
2 amending Subdivisions (1), (2), and (3) of Section 26.01, Texas
3 Education Code, and adding Subdivision (8); amending Sections
4 26.11, 26.65, and 26.71, Texas Education Code, as amended; and
5 declaring an emergency.
6

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

8 Section 1. Subdivisions (1), (2), and (3), Section 26.01,
9 Texas Education Code, are amended to read as follows:

10 "(1) 'Handicapped person' or 'handicapped scholastic' means
11 an individual who has been defined as such by presently existing
12 federal or state legislation. The definition of a handicapped
13 person or handicapped scholastic is inclusive of all generic
14 handicapping conditions such as orthopedically handicapped, health
15 impaired, blind or visually impaired, deaf or auditorially
16 impaired, socially maladjusted or emotionally disturbed, mentally
17 retarded, and language or learning disabled. The specific
18 operational definition, if not defined by state or federal
19 legislation, shall be applicable to any current operational
20 definition as set forth by the federal government or state
21 agencies. [~~'Handicapped person' means a physically handicapped~~
22 ~~person or a mentally retarded person, not including blind, whose~~
23 ~~educational or vocational opportunities are limited as the result~~
24 ~~of physical or mental limitations.]~~

25 "(2) 'Special services' required for the instruction of

1 or program for exceptional children means special teaching in the
2 public school curriculum within or without the regular classroom;
3 corrective teaching such as lipreading, speech correction, sight
4 conservation; corrective health habits; transportation; special
5 seats, books, instructional media, and supplies; professional
6 counseling with students and parents; supervision of professional
7 services and pupil evaluation services; and established teaching
8 techniques for children with language or learning disabilities.

9 ~~["Physically handicapped person" means any person six years of~~
10 ~~age or over, of reasonably normal educable mentality, whose body~~
11 ~~functions or members are so impaired that they cannot be safely~~
12 ~~or adequately educated or trained for gainful employment in regular~~
13 ~~classes of normal persons or without special training and special~~
14 ~~services not usually available in public schools or without~~
15 ~~training cannot enjoy independent living.]~~

16 "(3) 'Nonhandicapped scholastic' means a scholastic who
17 is eligible for public school education under state law and who
18 is not officially labeled as being handicapped. ["Mentally
19 ~~retarded person" means any person six years of age or older, who~~
20 ~~because of retarded intellectual development, cannot be educated~~
21 ~~safely and adequately in the public schools with normal children~~
22 ~~or in readily accessible training institutions in the home environs~~
23 ~~of such person, but who may be expected to benefit from special~~
24 ~~education or training facilities designed to make him economically~~
25 ~~useful and socially adjusted.]"~~

26 Sec. 2. Section 26.01, Texas Education Code, is amended

1 by adding Subdivision (8) to read as follows:

2 "(8) The term 'alternative school' refers to a school
3 setting for scholastics who cannot adequately be trained or
4 educated in existing public school programs and who generally
5 would not continue their education in the traditional academic
6 school situation. The curriculum and the alternative school
7 setting stress training for the world of work and coping behavior
8 in order to successfully survive in our complex society."

9 Sec. 3. Sections 26.11, 26.65, and 26.71, Texas Education
10 Code, are amended to read as follows:

11 "Sec. 26.11. PURPOSE. Rehabilitation districts may be
12 created to provide education, training, special services, and
13 guidance to handicapped persons or handicapped scholastics peculiar
14 to their condition and needs, to develop their full capacity for
15 usefulness to themselves and society, and to prevent them from
16 becoming or remaining, in whole or in part, dependent on public
17 or private welfare or charity."

18 "Sec. 26.65. ADMINISTRATIVE AND INSTRUCTIONAL [~~SPECIAL~~
19 ~~EDUCATION~~] PERSONNEL. (a) To provide for the continuance of
20 additional programs of instruction and training for handicapped
21 persons between the ages of 6 and 21, inclusive, the District
22 shall be eligible for and allotted administrative units, special
23 service personnel, exceptional child teacher units, vocational
24 education units, and other special education personnel, to the
25 extent herein provided for independent school districts, directly
26 through the Foundation Program of the Central Education Agency.

1 The district shall be eligible to receive state funds for the
2 purpose of educating any handicapped or nonhandicapped scholastic
3 between the age of 14 and 21, inclusively, who is in need of an
4 alternative school setting. The district is eligible for state
5 funding of educational programs for the handicapped and
6 nonhandicapped scholastics in the form of personnel or resources
7 as provided by current state legislation concerning the
8 distribution of state funds to public schools.

9 "(b) The basis for establishing, operating, and the formula
10 to be used for determining allocation of said administrative
11 units, instructional units, exceptional child teacher units,
12 vocational education units, and other special education personnel,
13 shall be as required by the Central Education Agency of independent
14 school districts. The district's allocation of principal units,
15 special service units, and supervisor and counselor units shall
16 be computed on eligible exceptional children teacher units in the
17 same manner as other independent school districts' allocation of
18 these units are computed on eligible classroom teacher units,
19 except that the district's allocation shall be limited, computed
20 upon, and restricted to include only [exceptional] children between
21 the ages of 14 and 21, both inclusive. However, no local fund
22 assignment shall be charged to a rehabilitation district.

23 "(c) The cost of approved professional units authorized
24 including the per unit operational cost provided by law shall be
25 considered by the Foundation Program Committee in estimating the
26 funds needed for Foundation Program purposes.

1 "(d) Nothing in this Act is intended to permit double
2 funding of any rehabilitation district by the Central Education
3 Agency, and if and to the extent that any section is so construed,
4 to that extent said section shall be inoperative."

5 "Sec. 26.71. EMPLOYMENT OF TRAINEES. Rehabilitation
6 districts shall cooperate with the Texas Rehabilitation Commission
7 and the Texas Employment Commission and all other state agencies
8 ~~[the Vocational Rehabilitation Division of the Texas Education~~
9 ~~Agency]~~ in training, education, and finding employment for their
10 employable trainees."

11 Sec. 4. The importance of this legislation and the crowded
12 condition of the calendars in both houses create an emergency and
13 an imperative public necessity that the constitutional rule
14 requiring bills to be read on three several days in each house
15 be suspended, and this rule is hereby suspended, and that this
16 Act take effect and be in force from and after its passage, and
17 it is so enacted.

-END-

BILL ANALYSIS

Background Information:

A need exists to designate a state agency as the agency responsible for administering federal matching funds for programs set up for the purpose of aiding the needy.

What the Bill Proposes to Do:

Amends Art. 695c, V.T.C.S. by designating the Department of Public Welfare as the state agency charged with administering programs funded by political subdivisions of the state matching federal grants. Said funds to be for the benefit of the needy.

Section by Section Analysis:

Section 1. Amends Section 18-A, Article 695c, V.T.C.S. by adding Subsection (3) providing for the designation of D.P.W. as the state agency charged with administering programs funded by political subdivisions of the state matching federal grants, for the purpose of aiding needy families.

Section 2. Amends Article 695c, V.T.C.S. by adding Section 19-B providing that D.P.W. shall be the state agency designated to administer programs funded by political subdivisions of the state matching federal grants, for providing interim assistance for certain needy people. Further authorizes D.P.W. to promulgate rules and regulations regarding the acceptance, transfer and expenditure of funds authorized by federal law for certain needy persons.

Section 3. Provides for resolution of differences between counties and municipalities and the State. And further providing for an advisory board for political subdivisions.

Section 4. This Act takes effect September 1, 1975.

Section 5. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 1073 in a public hearing on May 15, 1975.

The Committee voted, on May 15, 1975, by a record vote of 6 yeas and 0 nays, to report the measure back to the House favorably with amendments.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 22, 1975

Honorable Lynn Nabers, Chairman
Committee on Health and Welfare
House of Representatives
Austin, Texas

In Re: House Bill No. 1073, as amended
By: Reyes

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 1073, as amended (relating to authorizing the State Department of Public Welfare to supervise federal matching programs for political subdivisions which provide emergency services for children of needy families, interim assistance to applicants for supplemental income grants, general assistance for the medically disabled, and certain social services) to be as follows:

1. The bill would make no appropriation but would constitute prior legislative authorization for an appropriation to be made.
2. The bill, as amended, would designate the Department of Public Welfare as the state agency to supervise a program funded by political subdivisions of the state matching federal grants to provide emergency services for each child and caretaker who constitutes a needy family as may be necessary to avoid destitution or to provide them with living arrangements in a home.

Many of the services that may be classified as emergency services under this act will be provided under Title XX of the Social Security Act, (P.L. 93-647), 42 U.S.C.A. § 622 (a) (1) (A) (i), and 42 U.S.C.A. § 1396a (a) (5). All of these statutes provide that a single agency in the state must administer the programs they establish in the state. If the designation of the Department as a supervisory agency is understood to relieve the Department of administrative responsibilities, and if administrative responsibility is understood to be in the political subdivisions, federal funds for these emergency services may not be obtained at all, resulting in a massive loss of federal funds for the state.

3. The bill would designate the State Department of Public Welfare to administer programs funded by political subdivisions of the State matching federal grants to provide interim assistance to applicants. Although emergency services to applicants are federally matched, no interim financial assistance matching program exists. Partial federal reimbursement is available, however, for supplemental security income applicants. It is doubtful that the state could expend unmatched funds in this way, in view of the restriction on expenditure of unmatched funds in Section 51-a of Article 3, Texas Constitution.

4. The bill would create the Advisory Board for Political Subdivisions with ten members appointed by the Governor. Board members would serve without salary but would receive actual expenses while engaged in the performance of their duties and per diem of \$25. The bill would authorize employment of necessary personnel. The additional cost for the Advisory Board for Political Subdivisions is estimated to be \$50,000 annually.
5. The constitutional issue and the potential loss of federal funds preclude an estimate of additional cost to the State set forth in specific dollar amounts.



Thomas M. Keel
Director

MASTER FILE

Eng. Case

By: Reyes

H.B. No. 1073

A BILL TO BE ENTITLED

AN ACT

1 relating to authorizing the State Department of Public Welfare
2 to supervise federal matching programs for political subdivisions
3 which provide emergency services for children of needy families,
4 interim assistance to applicants for supplemental income grants,
5 general assistance for the medically disabled, and certain social
6 services; creating the Advisory Board for Political Subdivisions;
7 adding Subsection (3) to Section 18-A, Section 19-B, and amending
8 Section 39, The Public Welfare Act of 1941, as amended (Article
9 695c, Vernon's Texas Civil Statutes); and declaring an emergency.
10

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

12 Section 1. Section 18-A, The Public Welfare Act of 1941,
13 as amended (Article 695c, Vernon's Texas Civil Statutes), is
14 amended by adding Subsection (3) to read as follows:

15 "(3) The department is designated the state agency to
16 supervise a program funded by political subdivisions of the state
17 matching federal grants to provide emergency services for each
18 child and caretaker who constitute a needy family as may be
19 necessary to avoid destitution or to provide them with living
20 arrangements in a home. The department shall promulgate rules
21 and regulations to fully participate in the program authorized
22 by federal law and shall accept, transfer, and expend funds made
23 available for this program by the United States, the State of
24 Texas, and political subdivisions of the state, including county
25 welfare agencies and county commissioners courts. The department

1 shall delegate to a political subdivision the power to make
2 case-by-case determinations of eligibility for emergency services
3 in order that funds granted to beneficiaries by the political
4 subdivisions may be certified to the department for reimbursement
5 by the federal government. The department shall provide to the
6 fullest extent permissible under federal law for autonomy in
7 decision making to political subdivisions for all emergency
8 services matters, including but not limited to determination of
9 applications for assistance, appeals by beneficiaries, personnel,
10 and budgets."

11 Sec. 2. The Public Welfare Act of 1941, as amended (Article
12 695c, Vernon's Texas Civil Statutes), is amended by adding Section
13 19-B to read as follows:

14 "Section 19-B. (a) The State Department of Public Welfare
15 is designated the state agency to supervise programs funded by
16 political subdivisions of the state matching federal grants to
17 provide interim assistance to applicants for supplemental security
18 income grants, general assistance for the medically disabled, and
19 adult social services for the aged, blind, or disabled.

20 "(b) The department shall promulgate rules and regulations
21 to fully participate in the programs authorized by federal laws
22 and shall accept, transfer, and expend funds made available for
23 the programs by the United States, the State of Texas, and
24 political subdivisions of the state, including county welfare
25 agencies and county commissioners courts."

26 Sec. 3. Section 39, The Public Welfare Act of 1941 (Article

1 695c, Vernon's Texas Civil Statutes), is amended to read as
2 follows:

3 "Section 39. (a) No provision of this Act is intended to
4 release the counties and municipalities in this State from the
5 specific responsibility which is currently borne by those counties
6 and municipalities in support of public welfare, child welfare,
7 and relief services. Such funds which may hereafter be
8 appropriated by the counties and municipalities for those services
9 may be administered through the county or district offices of the
10 State Department, and if so administered, shall be devoted
11 exclusively to the services in the county or municipality making
12 such appropriation.

13 "(b) If a county or municipality has a dispute with the
14 State Department concerning any matter such as reimbursement for
15 emergency assistance, interim assistance for supplemental security
16 income, contracts for social services, or personnel questions,
17 the political subdivision may appeal by filing a written notice
18 within a reasonable period of time with the Advisory Board for
19 Political Subdivisions.

20 "(c) The Advisory Board for Political Subdivisions is
21 hereby created. The board shall consist of ten members appointed
22 by the governor for two-year terms. The governor shall initially
23 appoint five members to serve two years and five members to serve
24 one year. Thereafter each member serves for two years. The
25 members shall consist of seven members who are executive officers
26 of agencies of the political subdivisions or representatives of

1 the officers and three members who are representatives of the
2 poor. The board shall select its chairperson. The chairperson
3 shall notify the members in writing of the date and place of any
4 hearing or meeting. The board shall hire personnel necessary for
5 it to perform its duties. The board shall have its office in
6 Austin, Texas. Members of the board shall serve without salary
7 but shall receive their actual expenses while engaged in the
8 performance of their duties and per diem of \$25 per day.

9 "(d) The board may consider welfare issues and make
10 recommendations to the State Board of Public Welfare regarding
11 any matter affecting relations between the State Department and
12 political subdivisions of the state without having an appeal
13 before it. The State Board of Public Welfare shall respond in
14 writing to the recommendations and explain its reasons for
15 accepting or modifying the recommendations at the next meeting
16 following receipt of the recommendations. The recommendations
17 are advisory only."

18 Sec. 4. This Act takes effect September 1, 1975.

19 Sec. 5. The importance of this legislation and the crowded
20 condition of the calendars in both houses create an emergency and
21 an imperative public necessity that the constitutional rule
22 requiring bills to be read on three several days in each house
23 be suspended, and this rule is hereby suspended, and that this
24 Act take effect and be in force from and after September 1, 1975,
25 and it is so enacted.

ANALYSIS

This is a procedural bill to establish more efficient ways for the Department of Public Welfare to administer federally funded day care programs. The bill was designed to more effectively utilize the day care monies which are now available and not to appropriate any additional state funds. Therefore, the bill has no fiscal implications whatsoever.

EXPLANATION OF SUBSTANTIVE PORTION OF BILL(1) Section 2(b)

Rules must allow operators to review and comment on proposed regulations.

Explanation: A traditional problem has been that those operating programs have not been kept fully abreast of regulations and until very recently this group was not informed or consulted about pending regulations. Although the situation is rapidly improving, providers still feel that this provision is needed to allow local planning.

(2) Section 2(c)

Establish procedures for input by the parents of children in a day care center.

Explanation: Although parental input is required by federal regulations, procedures for this input have been non-existent. Therefore, questions have continued to occur over what were or were not allowable expenses in this area.

(3) Section 2(d)

The commissioner may promulgate eligibility standards...provided such standards make provision for exceptions where deemed necessary to maintain family self-sufficiency and integrity.

Explanation: The purpose behind this section of the bill is to aid the marginal, transitional family. For example, a family which has been able to raise itself to a level of economic self-sufficiency could lose this status if the day care services which helped them to reach this level were immediately denied them. This section thus gives the department the right to make exceptions to the eligibility rules so as to allow the transitional family enough time to better secure itself financially.

(4) Section 3(b)

The Department may not promulgate standards for selection of type of centers more restrictive than required by federal law or regulations.

Explanation: A survey published by the Texas Department of Community Affairs concluded the needs of very young children are so diverse and so tied to the needs of their parents that tying early childhood programs to one type of institution or agency state-wide would hamper program development and be detrimental to the children. This provision would preclude that possibility.

(5) Section 3(c)(1)

Day care contractors shall receive prepayment in accordance with policies and procedures mutually agreed upon by the State Comptroller of Public Accounts and the Department of Public Welfare.

Explanation: This particular point is critical to the continued operation of many existing day care programs and the establishment of new ones. As the Vice President of the Austin National Bank stated in a recent letter, "As a banker who deals with various Title IV-A Social Service Programs (I have noted) their cash flow under reimbursement method is extremely restricted and causes...large shortages...I urge those considering legislation to correct this problem" - (David T. Davenport, Vice President, Austin National Bank.) Prepayments are a standard federal practice to non-profit agencies and has worked well. There was some concern over the constitutionality of the issue but we have been assured by D.P.W. Chief Legal Council that he does not see this as a problem. In fact, negotiations are now underway between D.P.W. and the State Comptroller to facilitate such a system. This section would seem to provide the legal basis for a needed service.

(6) Section 3(c)(2)

Day care centers contracting with the department shall be paid on the basis of legitimate and reasonable expenses...given Federal regulations and the Department of Public Welfare policy, instead of being paid on the basis of number of children attending the center, provided that upon being monitored by the Department, the contracting operator can substantiate that there were sufficient preparations in the development of the services offered.

Explanation: Under the present system an operator can simply not be repaid or the repayment can be delayed, (or if they are repaid have audit exceptions taken later against the repayments), if the recorded child count in the centers appear even slightly off. The present system of auditing actually ignores the fact that a day care center has on-going expenses such as personnel cost, utilities, etc. Monitoring attendance can adequately safeguard the investment without so overtaxing the non-profit operators to a point that discourages their trying to provide day care.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 19, 1975

Honorable Tom Schieffer, Chairman
Committee on Local and Consent Calendars
House of Representatives
Austin, Texas

In Re: House Bill No. 1308, As Amended
By: Hudson, Mattox

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 1308, as amended (relating to the administration of certain federally established day care programs) to be as follows:

No additional cost to the State attributable to the bill, should it be enacted, is anticipated.



Thomas M. Keel
Director

Engrossed

By: Hudson, Mattox

H.B. No. 1308

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of certain federally established
3 day care programs; and declaring an emergency.

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

5 Section 1. STATE AGENCY. The State Department of Public
6 Welfare is hereby designated the state agency to administer a day
7 care program established by federal law and financed partially
8 or totally by federal funds.

9 Sec. 2. GENERAL ADMINISTRATIVE RULES AND REGULATIONS. (a)
10 The Commissioner of Public Welfare shall promulgate rules and
11 regulations to carry out the administrative provisions of the
12 program consistent with federal law and regulations.

13 (b) The rules must include procedures to allow operators
14 of day care centers to review and comment on proposed rules and
15 policies.

16 (c) The rules must establish procedures for input by the
17 parents of the children in a day care center into the operation
18 of the center.

19 (d) The commissioner may promulgate eligibility standards
20 for admittance into the program, provided such standards make
21 provision for exceptions where deemed necessary to maintain family
22 self-sufficiency and integrity.

23 Sec. 3. ADMINISTRATION OF FEDERAL-LOCAL PROGRAM. (a) If
24 the program is to be funded through political subdivisions of the
25 state or local agencies approved by the department matching federal

1 grants, the department shall promulgate procedures for effective
2 delivery of services consistent with this section and with federal
3 law and regulations.

4 (b) If the services are provided through contracting with
5 operators of day care centers upon request from political
6 subdivisions or local agencies, the department may not promulgate
7 standards for selection of the type of centers more restrictive
8 than required by federal law or regulations.

9 (c) The department shall establish an accounting system
10 consistent with federal law and regulations which will provide
11 that an operator of a day care center contracting with the
12 department:

13 (1) shall receive prepayment in accordance with policies
14 and procedures mutually agreed upon by the state comptroller of
15 public accounts and the Department of Public Welfare, and

16 (2) shall be paid on the basis of legitimate and reasonable
17 expenses, insofar as possible, given federal regulations and the
18 Department of Public Welfare policy, instead of being paid on the
19 basis of number of children attending the center, provided that
20 upon being monitored by the department, the contracting operator
21 can substantiate that there were sufficient preparations in the
22 development of the services offered.

23 Sec. 4. The importance of this legislation and the crowded
24 condition of the calendars in both houses create an emergency and
25 an imperative public necessity that the constitutional rule
26 requiring bills to be read on three several days in each house

H.B. No. 1308

1 be suspended, and this rule is hereby suspended, and that this
2 Act take effect and be in force from and after its passage, and
3 it is so enacted.

-END-

BILL ANALYSIS

Background Information:

It is felt that a need exists for legislation which redefines the term "dentist" to conform with the manner in which the term is now used.

What the Bill Proposes to Do:

Amends Article 455la, V.T.C.S., by redefining the term "dentist."

Section by Section Analysis:

Section 1. Amends Article 455la, V.T.C.S., by redefining the term "dentist" to include persons who provide surgical and adjunctive treatment (as opposed to operate or prescribe) for any disease, pain, injury, deficiency, deformity, or physical condition of human teeth, oral cavity, alveolar process, gums, jaws ^{*related and adjacent masticatory*} structures. And to further include those persons who are in the practice of fitting prosthesis to the human mouth or related and adjacent masticatory structures.

Section 2. Repeals Article 455la-1, V.T.C.S. which presently defines the term "dentist."

Section 3. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 1334 in a public hearing on May 13, 1975.

The Committee voted, on May 15, 1975, by a record vote of 7 ayes and 0 nays, to report the measure back to the House favorably with amendments.

MASTER FILE

Enacted

By: Von Dohlen

H.B. No. 1334

A BILL TO BE ENTITLED

AN ACT

1 relating to the definition of "dentist"; amending Article 4551a,
2 Revised Civil Statutes of Texas, 1925, as amended; repealing
3 Article 4551a-1, Revised Civil Statutes of Texas, 1925, as amended;
4 and declaring an emergency.

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

6 Section 1. Article 4551a, Revised Civil Statutes of Texas,
7 1925, as amended, is amended to read as follows:

8 "Article 4551a. PERSONS REGARDED AS PRACTICING DENTISTRY.

9 Any person shall be regarded as practicing dentistry within the
10 meaning of this Chapter:

11 "(1) Who publicly professes to be a dentist or dental
12 surgeon or who uses or permits to be used for himself or for any
13 other person, the title of 'Doctor,' 'Dr.,' 'Doctor of Dental
14 Surgery,' 'D.D.S.,' 'Doctor of Dental Medicine,' 'D.M.D.,' or any
15 other letters, titles, terms or descriptive matter which directly
16 or indirectly represents him as being able to diagnose, treat,
17 remove stains or concretions from teeth, ~~provide surgical and~~
18 ~~orthodontic treatment (operative or preservative) for any disease, pain,~~
19 ~~injury, deficiency, deformity or physical condition of the human~~
20 ~~teeth, oral cavity, alveolar process, gums, (or) jaws or related~~
21 ~~and adjacent maxillary and mandibular structures.~~

22 "(2) Who shall offer or undertake by any means or methods
23 whatsoever, to clean teeth or to remove stains, concretions or
24 deposits from teeth in the human mouth, or who shall undertake
25

1 or offer to diagnose, treat, operate, or prescribe by any means
2 or methods for any disease, pain, injury, deficiency, deformity,
3 or physical condition of the human teeth, oral cavity, alveolar
4 process, gums, or jaws.

5 "(3) Any person who shall offer or undertake in any manner
6 to prescribe or make, or cause to be made, an impression of any
7 portion of the human mouth, teeth, gums, or jaws, for the purpose
8 of diagnosing, prescribing, treating, or aiding in the diagnosing,
9 prescribing or treating, any physical condition of the human
10 mouth, teeth, gums or jaws, or for the purpose of constructing
11 or aiding in the construction of any dental appliance, denture,
12 dental bridge, false teeth, dental plate or plates of false teeth,
13 or any other substitute for human teeth.

14 "(4) Any one who owns, maintains or operates any office
15 or place of business where he employs or engages, under any kind
16 of contract whatsoever, any other person or persons to practice
17 dentistry as above defined shall be deemed to be practicing
18 dentistry himself and shall himself be required to be duly licensed
19 to practice dentistry as hereinabove defined, and shall be subject
20 to all of the other provisions of this Chapter, even though the
21 person or persons so employed or engaged by him shall be duly
22 licensed to practice dentistry as hereinabove defined.

23 "(5) Any person, firm, group, association, or corporation
24 who shall offer or undertake to fit, adjust, repair, or substitute
25 in the human mouth or related and adjacent masticatory structures
26 any dental appliance, structure, prostheses, or denture, or who

1 shall aid or cause to be fitted, adjusted, repaired, or substituted
2 in the human mouth or related and adjacent masticatory structures
3 any dental appliance, structure, prosthesis, or denture.

4 "(6) Who makes, fabricates, processes, constructs, produces,
5 reproduces, duplicates, repairs, relines, or fixes any full or
6 partial denture, any fixed or removable dental bridge or appliance,
7 any dental plate or plates of false teeth, any artificial dental
8 restoration, or any substitute or corrective device or appliance
9 for the human teeth, gums, jaws, mouth, alveolar process, or any
10 part thereof for another, or who in any manner offers, undertakes,
11 aids, abets, or causes another person so to do for another, without
12 a written prescription or work-order therefor signed by the dentist
13 legally engaged in the practice of dentistry in this state or in
14 the jurisdiction where such dentist maintains his dental office
15 and who prescribed and ordered same.

16 "(7) Who offers, undertakes, solicits, or advertises in
17 any manner for himself or for another except in person or by agent
18 to a dentist, or through the United States Mail to a dentist, or
19 in regularly published dental publications mailed or delivered
20 to dentists in this state or in other jurisdictions to do or
21 perform any of the acts or services listed in any of the
22 subsections of this Article and except to and for such dentist."

23 Sec. 2. Article 4551a-1, Revised Civil Statutes of Texas,
24 1925, as amended (formerly Article 754a, Penal Code of Texas,
25 1925), is repealed.

26 Sec. 3. The importance of this legislation and the crowded

H.B. No. 1334

1 condition of the calendars in both houses create an emergency and
2 an imperative public necessity that the constitutional rule
3 requiring bills to be read on three several days in each house
4 be suspended, and this rule is hereby suspended, and that this
5 Act take effect and be in force from and after its passage, and
6 it is so enacted.

--END--

BILL ANALYSIS

Background:

Presently, El Paso has no residential facility for juvenile offenders.

Purpose:

To authorize the TYC to construct and operate a facility for juvenile offenders in El Paso.

Section by Section Analysis:

- Section 1. Mandates the TYC to construct, maintain and operate a regional, community-based facility for juvenile offenders in El Paso County.
- Section 2. Provides that the facility shall provide comprehensive residential care and treatment for juvenile offenders.
- Section 3. Provides that the TYC shall give preference to children living in the El Paso area.
- Section 4. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 1481 in a public hearing on April 23, 1975.

The Committee voted, on April 30, 1975, by a record vote of 6 yeas and 1 nays, to report the measure back to the House favorably without amendments.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 14, 1975

Honorable Lane Denton, Chairman
Committee on Social Services
House of Representatives
Austin, Texas

APR 14 1975

In Re: House Bill No. 1481
By: O'Kelley, et al

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 1481 (relating to the construction, operation, and maintenance of a regional residential facility in El Paso for providing residential diagnosis and cumulative care, supervision, treatment, and training for juvenile offenders) to be as follows:

1. The bill makes no appropriation but authorizes Legislative appropriations to implement the provisions of the bill.
2. The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Construction Cost</u>	<u>Operation and Maintenance</u>	<u>Total State Cost</u>
1976	\$750,000	\$ 94,199	\$844,199
1977		623,239	623,239
1978		623,239	623,239
1979		623,239	623,239
1980		623,239	523,239

3. The construction and operating cost for a regional residential facility in El Paso is based on a 48 bed facility. It is anticipated that the land for the facility will be furnished by action of the El Paso County Commissioners Court.
4. Similar annual costs will continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

MASTER FILE

Engrossed

By: O'Kelley, et al.

H.B. No. 1481

A BILL TO BE ENTITLED

AN ACT

1 relating to the construction, operation, and maintenance of
2 regional residential facilities in El Paso and Cameron Counties
3 for providing residential diagnosis and cumulative care,
4 supervision, treatment, and training for juvenile offenders in
5 the custody of the Texas Youth Council; and declaring an emergency.
6

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

8 Section 1. The Texas Youth Council shall construct, operate,
9 and maintain regional, community-based residential facilities in
10 El Paso County and Cameron County.

11 Sec. 2. The El Paso and Cameron County residential
12 facilities shall be designed and operated to provide comprehensive
13 residential diagnosis and cumulative care, supervision, treatment,
14 and training for juvenile offenders.

15 Sec. 3. The funds for the construction of the two facilities
16 shall be obtained from the unobligated balances of the biennium
17 ending August 31, 1975, in appropriations made by House Bill No.
18 139, Acts of the 63rd Legislature, Regular Session, 1973, to the
19 Youth Council excluding balances in the Youth Council Building
20 and Repair Program. The two facilities shall not exceed 43 beds
21 each and shall be located in El Paso and Cameron Counties.

22 Sec. 4. The importance of this legislation and the crowded
23 condition of the calendars in both houses create an emergency and
24 an imperative public necessity that the constitutional rule
25 requiring bills to be read on three several days in each house

H.B. No. 1481

1 be suspended, and this rule is hereby suspended, and that this
2 Act take effect and be in force from and after its passage, and
3 it is so enacted.

-END-

BILL ANALYSIS

Background Information:

It is felt that a need exists for legislation requiring a system of continuing education for optometrists in Texas.

What the Bill Proposes to Do:

Amends Article 4552-1.01, V.T.C.S., by adding Section 401B which provides for a system of continuing education for optometrists in Texas

Section by Section Analysis:

Section 1. Amends Article 4552-1.01, V.T.C.S., by adding Section 410B which provides for a system of continuing education for optometrists in Texas. Said education shall consist of 12 hours per calendar year at an accredited college of optometry.

Section 2. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 1550 in a public hearing on May 8, 1975.

The Committee voted, on May 8, 1975, by a record vote of 6 yeas and 0 nays, to report the measure back to the house favorably without amendments.

MASTER FILE

Engrossed

H.B. No. 1550

By: Bynum

A BILL TO BE ENTITLED

AN ACT

1 relating to the imposition of certain educational requirements
2 for renewal of a license to practice optometry; amending the Texas
3 Optometry Act (Article 4552-1.01 et seq., Vernon's Texas Civil
4 Statutes), by adding Section 4.01B; and declaring an emergency.
5

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

7 Section 1. The Texas Optometry Act (Article 4552-1.01 et
8 seq., Vernon's Texas Civil Statutes), is amended by adding Section
9 4.01B to read as follows:

10 "Section 4.01B. EDUCATIONAL REQUIREMENT FOR RENEWAL. (a)
11 Each optometrist licensed in this state shall take annual courses
12 of study in subjects relating to the utilization and application
13 of scientific, technical, and clinical advances in vision care,
14 vision therapy, visual training, and other subjects relating to
15 the practice of optometry regularly taught by recognized optometric
16 universities and schools.

17 "(b) The length of study required is 12 hours per calendar
18 year.

19 "(c) The continuing education requirements established by
20 this section shall be fulfilled by attendance in continuing
21 education courses sponsored by an accredited college of optometry
22 or in a course approved by the board. Attendance at a course of
23 study shall be certified to the board on a form provided by the
24 board and shall be submitted by each licensed optometrist in
25 conjunction with his application for renewal of his license and

1 submission of renewal fee.

2 "(d) The board may take action necessary in order to qualify
3 for funds or grants made available by the United States or an
4 agency of the United States for the establishment and maintenance
5 of programs of continuing education.

6 "(e) Licensees who have not complied with the requirement
7 of this section may not be issued a renewal license, except for
8 the following persons who are exempt:

9 "(1) a person who holds a Texas license but who does not
10 practice optometry in Texas;

11 "(2) a licensee who served in the regular armed forces of
12 the United States during part of the 12 months immediately
13 preceding the annual license renewal date;

14 "(3) a licensee who submits proof that he suffered a serious
15 or disabling illness or physical disability which prevented him
16 from complying with the requirements of this section during the
17 12 months immediately preceding the annual license renewal date;
18 or

19 "(4) a licensee first licensed within the 12 months
20 immediately preceding the annual renewal date."

21 Sec. 2. The importance of this legislation and the crowded
22 condition of the calendars in both houses create an emergency and
23 an imperative public necessity that the constitutional rule
24 requiring bills to be read on three several days in each house
25 be suspended, and this rule is hereby suspended, and that this
26 Act take effect and be in force from and after its passage, and

H.B. No. 1550

1 it is so enacted.

-END-

H.B. 1854
By: Denton

BILL ANALYSIS

Background Information:

Presently, the laws in effect provide that persons suspected of being mentally ill may be admitted for emergency observation or treatment at the nearest hospital.

What the Bill Proposes to Do:

Amends Sections 27, 28, 29, and 30, Article 5547, V.T.C.S. by providing that a person suspected of being mentally ill may be admitted for emergency observation or treatment at the nearest hospital or other facility deemed suitable by the county health officer. Said detention can be accomplished only upon order of a magistrate upon the application of a health or peace officer along with the written opinion of a physician to the effect that said person is likely to injure himself or others if not restrained.

Section by Section Analysis:

Section 1. Amends Sections 27, 28, 29, and 30, Article 5547, V.T.C.S. by providing that a person suspected of being mentally ill may be admitted for emergency observation or treatment at the nearest hospital or other facility deemed suitable by the county health officer. Said detention can be accomplished only upon order of a magistrate upon the application of a health or peace officer along with the written opinion of a physician to the effect that said person is likely to injure himself or others if not restrained.

Section 2. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 1854 in a public hearing on May 15, 1975.

The Committee voted on May 15, 1975, by a record vote of 8 ayes and 0 nays, to report the measure back to the House favorably without amendments.

LEGISLATIVE BUDGET BOARD

Austin, Texas.

FISCAL NOTE

April 16, 1975

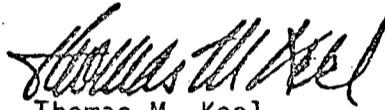
Honorable Lynn Nabers, Chairman
Committee on Health and Welfare
House of Representatives
Austin, Texas

In Re: House Bill No. 1854
By: Denton

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 1854 (relating to facilities in which certain persons suspected of being mentally ill may be admitted for emergency observation or treatment) to be as follows:

No fiscal implication or additional cost to the State is anticipated in the event House Bill No. 1854 should pass and become law.



Thomas M. Keel
Director

MASTER FILE

Engraved

By: Denton

H.B. No. 1854

A BILL TO BE ENTITLED

AN ACT

1
2 relating to facilities in which certain persons suspected of being
3 mentally ill may be admitted for emergency observation or
4 treatment; amending Sections 27, 28, 29, and 30, Texas Mental
5 Health Code, as amended (Articles 5547-27, 5547-28, 5547-29, and
6 5547-30, Vernon's Texas Civil Statutes); and declaring an
7 emergency.

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

9 Section 1. Sections 27, 28, 29, and 30, Texas Mental Health
10 Code, as amended (Articles 5547-27, 5547-28, 5547-29, and 5547-30,
11 Vernon's Texas Civil Statutes), are amended to read as follows:

12 "Section 27. AUTHORITY OF HEALTH OR PEACE OFFICER. Any
13 health or peace officer, who has reason to believe and does believe
14 upon the representation of a credible person, in writing, or upon
15 the basis of the conduct of a person or the circumstances under
16 which he is found that the person is mentally ill and because of
17 his mental illness is likely to cause injury to himself or others
18 if not immediately restrained, may upon obtaining a warrant from
19 any magistrate, take such person into custody, and immediately
20 transport him to the nearest hospital or other facility deemed
21 suitable by the county health officer and make application for
22 his admission, pursuant to the warrant of the magistrate. Such
23 person admitted upon such warrant may be detained in custody for
24 a period not to exceed twenty-four (24) hours, unless a further
25 written order is obtained from the County Court or Probate Court

1 of such county, ordering further detention. Provided, however,
2 that should the person be taken into custody on a Saturday or
3 Sunday, or a legal holiday, then the twenty-four-hour period
4 allowed for obtaining the court order permitting further detention
5 shall begin at 9:00 o'clock a. m. on the first succeeding business
6 day.

7 "Section 28: EMERGENCY ADMISSION. The head of a mental
8 hospital, ~~[e]~~ a general hospital, or other facility deemed
9 suitable by the county health officer shall not admit nor detain
10 any person for emergency observation and treatment unless:

11 "(a) A warrant has been obtained from a magistrate ordering
12 the apprehension and taking into custody of such person to be
13 admitted, or an order of protective custody has been issued
14 pursuant to Section 66 of this Code;

15 "(b) A written application is made by a health or peace
16 officer who has such person in his custody stating the
17 circumstances under which the person was taken into custody and
18 the officer's belief and the reasons therefor that the person is
19 mentally ill and that because of his mental illness is likely to
20 cause injury to himself or others if not immediately restrained;
21 and

22 "(c) A written and certified opinion is made by the medical
23 officer on duty at the hospital or other facility, that after a
24 preliminary examination, the person has symptoms of mental illness
25 and is likely to cause injury to himself or others if not
26 immediately restrained.

1 "Section 29. NOTIFICATION OF ADMISSION. The head of the
2 facility [~~hospital~~] admitting a person for emergency observation
3 and treatment shall immediately give notice thereof by registered
4 mail to the person's guardian or responsible relative, and shall
5 report the admission to the Board.

6 "Section 30. EXAMINATION AND CERTIFICATION. The head of
7 the facility [~~hospital~~] shall have a physician examine every
8 person within twenty-four (24) hours after his admission to a
9 hospital for emergency observation and treatment and prepare a
10 Certificate of Medical Examination for Mental Illness. A copy
11 of the Certificate shall be sent forthwith to the person's guardian
12 or responsible relative."

13 Sec. 2. The importance of this legislation and the crowded
14 condition of the calendars in both houses create an emergency and
15 an imperative public necessity that the constitutional rule
16 requiring bills to be read on three several days in each house
17 be suspended, and this rule is hereby suspended, and that this
18 Act take effect and be in force from and after its passage, and
19 it is so enacted.

-END-

BILL ANALYSIS

Background Information:

Presently statutory law speaks only to the disclosure of information as to welfare recipients only as said information relates to welfare "assistance."

What the Bill Proposes to Do:

Amends Section 33, Article 695c, V.T.C.S. to provide that it shall be unlawful to disclose information concerning person applying for or receiving welfare assistance or social services. Further provides that D.P.W. shall have the power to make rules and regulations necessary to prevent disclosure of information concerning persons applying for or receiving welfare assistance or social services.

Section by Section Analysis:

Section 1. Amends Section 33, Article 695c, V.T.C.S. to provide that it shall be unlawful to disclose information concerning persons applying for or receiving welfare assistance or social services. Further provides that D.P.W. shall have the power to make rules and regulations necessary to prevent disclosure of information concerning persons applying for or receiving welfare assistance or social services.

Section 2. Emergency Clause.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H. B. No. 2076 in a public hearing on May 15, 1975.

The Committee voted, on May 15, 1975, by a record vote of 6 yeas and 0 nays, to report the measure back to the House favorably without amendments.

MASTER FILE

Engrossed

By: Von Dohlen

H.B. No. 2076

A BILL TO BE ENTITLED

AN ACT

1 relating to disclosure of information on welfare recipients;
2 amending Section 33, The Public Welfare Act of 1941, as amended
3 (Article 695c, Vernon's Texas Civil Statutes); and declaring an
4 emergency.
5

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

7 Section 1. Section 33, The Public Welfare Act of 1941, as
8 amended (Article 695c, Vernon's Texas Civil Statutes), is amended
9 to read as follows:

10 "Sec. 33. (1) It shall be unlawful, except for purposes
11 directly connected with the administration of general assistance,
12 ~~[old-age-assistance, aid to the blind, or]~~ aid to dependent
13 children, or social services programs, and in accordance with the
14 rules and regulations of the State Department, for any person or
15 persons to solicit, disclose, receive, make use of, or to
16 authorize, knowingly permit, participate in, or acquiesce in the
17 use of, any list of, or names of, or any information concerning,
18 persons applying for or receiving such assistance, directly or
19 indirectly derived from the records, papers, files, or
20 communications of the State Department or subdivisions or agencies
21 thereof, or acquired in the course of the performance of official
22 duties.

23 "(2) The rule-making power of the State Department shall
24 include the power to establish and enforce reasonable rules and
25 regulations governing the custody, use, and preservation of the

1 records, papers, files, and communications of the State Department
2 and its local offices. Wherever, under provisions of law, names
3 and addresses of recipients of public assistance or services are
4 furnished to or held by any other agency or department of
5 government, such agency or department of government shall be
6 required to adopt regulations necessary to prevent the publication
7 of lists thereof or their use for purposes not directly connected
8 with the administration of public assistance or social services
9 programs."

10 Sec. 2. The importance of this legislation and the crowded
11 condition of the calendars in both houses create an emergency and
12 an imperative public necessity that the constitutional rule
13 requiring bills to be read on three several days in each house
14 be suspended, and this rule is hereby suspended, and that this
15 Act take effect and be in force from and after its passage, and
16 it is so enacted.

-END-