

## **BILL ANALYSIS**

Senate Research Center

H.B. 607  
By: Maxey (Madla)  
Health & Human Services  
5-16-97  
Committee Report (Amended)

### **DIGEST**

A number of advocacy groups have indicated that there are many individuals interested in donating durable medical equipment who have difficulty finding an organization or individual interested in taking the equipment. In addition, there are individuals who fail to qualify for state or federal assistance, but do not have the funds with which to purchase new equipment. A central information point would enable individuals to obtain information on organizations and individuals within their community who are interested in donating or receiving used durable medical equipment. H.B. 607 creates a hotline that maintains a listing of durable medical equipment and assistive technology to be donated and provides information on resources in the local community.

### **PURPOSE**

As proposed, H.B. 607 creates a durable medical equipment and assistive technology listing.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Rehabilitation Commission in SECTION 1 (Section 116.007, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 7, Human Resources Code, by adding Chapter 116, as follows:

#### **CHAPTER 116. DURABLE MEDICAL EQUIPMENT AND ASSISTIVE TECHNOLOGY LISTING**

Sec. 116.001. DEFINITION. Defines "commission."

Sec. 116.002. DURABLE MEDICAL EQUIPMENT AND ASSISTIVE TECHNOLOGY LISTING. Requires the Texas Rehabilitation Commission (commission) to establish a listing to facilitate the reuse of durable medical equipment and assistive technology. Requires the commission to maintain a toll-free telephone number to list items of durable medical equipment and assistive technology that are available for donation; and to refer individuals with items that are available for donation to certain organizations licensed to distribute salvaged merchandise. Requires the commission to design a sticker that contains an informative statement about the durable medical equipment and assistive technology listing and the toll-free telephone number. Sets forth the terms by which the commission is required to provide the stickers to certain retailers; and by which a retailer is required to affix the sticker to certain items. Provides that Chapter 2175, Government Code, does not apply to any equipment listed in the durable medical equipment and assistive technology listing. Provides that Subsection (e) does not apply to orthotic or prosthetic devices, and requires a retailer of such devices to prominently display in the retailer's place of business the information to be included on the sticker.

Sec. 116.003. LOCAL ORGANIZATION. Requires the commission to encourage the establishments of local organizations to facilitate the reuse of durable medical equipment and assistive technology, and to provide certain information to those organizations.

Sec. 116.004. AUTHORITY TO CONTRACT. Authorizes the commission to contract with local organizations and other state agencies to facilitate the reuse of durable medical equipment and assistive technology.

Sec. 116.005. DURABLE MEDICAL EQUIPMENT AND ASSISTIVE TECHNOLOGY OWNED BY THE STATE. Requires the commission to ensure that any durable medical equipment or assistive technology owned by the state that is donated and listed with the listing be donated to certain nonprofit organizations for distribution to indigent individuals.

Sec. 116.006. LISTING AVAILABILITY ON THE INTERNET. Requires the commission to make the durable medical equipment and assistive technology listing available to the public through the Internet.

Sec. 116.007. RULES. Authorizes the commission to adopt rules to administer this chapter.

SECTION 2. Emergency clause.

Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 2, between lines 12 and 13, adds a provision establishing that Subsection (e) does not apply to orthotic or prosthetic devices. Requires a retailer of such devices to display in the retailer's place of business the information to be included on the sticker.

Amendment 2.

Page 3, between lines 2 and 3, adds Section 116.006, Human Resources Code, to require the commission to make the listing available to the public through the Internet.