

## **BILL ANALYSIS**

Senate Research Center

H.B. 1400  
By: Gray (Zaffirini)  
Health Services  
4/23/1999  
Engrossed

### **DIGEST**

The Texas Commission for the Blind (commission) was created in 1931, and provides services to individuals with visual impairments to ensure their active and independent participation in society. As a result of its review of the commission, the Sunset Advisory Commission recommended continuation of the commission and several statutory modifications.

### **PURPOSE**

As proposed, H.B. 1400 updates terminology, sets forth provisions for obtaining criminal history records, and extends the existence of the Texas Commission for the Blind until September 1, 2011.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Commission for the Blind in SECTION 4 (Section 91.016(e), Human Resources Code), SECTION 5 (Section 91.0165(b), Human Resources Code), SECTION 8 (Sections 91.022(a), 91.028(b), and 91.029(a) and (b) Human Resources Code), of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 91.001, 91.002, and 91.011, Human Resources Code, to continue the Texas Commission for the Blind (commission) until September 1, 2007, and to define “child with visual impairments” and “visually impaired.” Requires commission, rather than board, appointments to be made without regard to disability, rather than handicap. Requires five, rather than two, members to be visually impaired residents, rather than citizens. Requires one member to have a certain relationship with a blind or visually impaired Texan, and requires three members to be members of the general public. Sets forth standard sunset language regarding commission membership. Deletes text regarding a visually handicapped child and prohibitions against a commission membership. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 91.012(a), Human Resources Code, to delete text regarding an annual appointment.

SECTION 3. Amends Section 91.015(c), Human Resources Code, to set forth standard sunset commission language regarding officers, directors, and grounds for removal.

SECTION 4. Amends Section 91.016, Human Resources Code, by amending Subsections (c) and (d) and adding Subsection (e), to set forth standard sunset language and grant rulemaking authority to the commission.

SECTION 5. Amends Chapter 91B, Human Resources Code, by amending Sections 91.017 and 91.018 and adding Section 91.0165, as follows:

Sec. 91.0165. CRIMINAL HISTORY RECORD INFORMATION. Authorizes the commission to obtain certain information relating to an applicant for commission employment. Requires the commission, by rule, to establish criteria for denying employment based on a criminal history check.

Sec. 91.017. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT. Sets forth standard sunset language regarding equal opportunity employment. Deletes text regarding a plan’s requirements.

Sec. 91.018. RELATIONS WITH PUBLIC. Sets forth provisions regarding required written complaint filing procedures. Makes conforming changes.

SECTION 6. Amends Section 91.019, Human Resources Code, as follows:

Sec. 91.019. New heading: REPORT; POSTING OF REPORT AND PERFORMANCE DATA. Requires the commission to post certain information on the Internet, unless it is confidential.

SECTION 7. Amends Chapter 91B, Human Resources Code, by adding Section 91.020, as follows:

Sec. 91.020. TRAINING OF COMMISSION MEMBERS. Sets forth standard sunset language regarding education requirements and the training program. Entitles a commission member to reimbursement for travel expenses.

SECTION 8. Amends Chapter 91C, Human Resources Code, by amending Section 91.028 and adding Sections 91.022, 91.029, 91.031, and 91.032, as follows:

Sec. 91.022. SERVICE DELIVERY. Requires the commission, by rule, to establish service delivery guidelines. Sets forth requirements for the rules. Requires the commission to establish written procedures to evaluate services.

Sec. 91.028. New heading: SERVICES FOR CHILDREN WITH VISUAL IMPAIRMENTS. Requires the commission, by rule, to establish and verify Medicaid eligibility by a certain deadline. Requires a commission employee to take certain actions in the process of verifying Medicaid eligibility. Prohibits certain actions regarding information of an applicant or recipient of children's program services. Limits the use of certain information to include only purposes directly connected with certain matters. Makes conforming changes.

Sec. 91.029. RATES FOR MEDICAL SERVICES. Requires the commission, by rule, to adopt rules governing the determination of rates and a schedule of rates.

Sec. 91.031. CONTRACTS FOR SERVICE. Requires the commission to include certain provisions in its contracts with service providers. Requires the commission to monitor a service provider's performance.

Sec. 91.032. CONTRACTS FOR ADAPTIVE TECHNOLOGY. Requires the commission to include provisions in certain contracts which require training to be provided for clients receiving adaptive technology equipment.

SECTION 9. Amends Chapter 94, Human Resources Code, by adding Section 94.016, as follows:

Sec. 94.016. BUSINESS ENTERPRISES PROGRAM. Authorizes the commission to administer the Business Enterprises Program, a retirement program, and a trust fund. Sets forth funding provisions for the Business Enterprises Program trust fund. Requires all expenditures authorized by the Randolph-Sheppard Act from federal vending revenue funds to be paid from the Business Enterprises trust fund.

SECTION 10. Amends Chapter 411F, Government Code, by adding Section 411.0985, as follows:

Sec. 411.0985. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION FOR THE BLIND. Entitles the commission to obtain certain information regarding a potential employee. Limits the use of certain information. Prohibits the commission from releasing certain information. Requires the commission to destroy certain information after a certain deadline.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 1999.

SECTION 13. Emergency clause.

