

BILL ANALYSIS

Senate Research Center
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S.B. 357
By: Madla
Health Services
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As Filed

DIGEST

Currently, the Texas Rehabilitation Commission (commission) is the state's primary authority for the rehabilitation of people with disabilities, except for individuals with vision impairments, who are served by the Texas Commission for the Blind. TRC's primary emphasis is on vocational rehabilitation and helping persons with physical or mental disabilities prepare for, find, and maintain employment. In addition to rehabilitation programs, TRC is responsible for determining initial eligibility for Social Security disability benefits. As a result of its review of TRC, the Sunset Advisory Commission recommended continuation of TRC and several statutory modifications. S.B. 357 would authorize TRC to continue to operate.

PURPOSE

As proposed, S.B. 357 sets forth provisions for the continuation and function of the Texas Rehabilitation Commission until September 1, 2007.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Rehabilitation Commission in SECTIONS 6, 19, and 21 (Section 111.0161(b), Chapter 111B; Sections 111.0552(a) and (b), Chapter 111C; and Section 111.070(a), Chapter 111D, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 111.002, Human Resources Code, by adding Subdivision (8), to define "board."

SECTION 2. Amends Section 111.012, Human Resources Code, to provide that the Texas Rehabilitation Commission (commission) is abolished and this chapter expires on September 1, 2007, unless continued as provided by Chapter 325, Government Code.

SECTION 3. Amends Section 111.013(b), Human Resources Code, to add standard language developed by the Sunset Advisory Commission regarding equal employment opportunity policies. Makes a conforming change.

SECTION 4. Amends Section 111.0131, Human Resources Code, to provide that it is a ground for removal from the board of the Texas Rehabilitation Commission (board) that a member is ineligible for membership under Section 111.013(b) or 111.025; if, a member cannot, because of illness or disability that discharges the member's duties for a substantial part of the member's term; or if a member is absent without an excuse approved by a majority vote of the board, from more than half of the regularly scheduled board meetings. Requires the board chairman to notify the governor and attorney general that a potential ground for removal exists. Requires the commissioner of the Texas Rehabilitation Commission to notify the next highest ranking officer of the board, who is required to then notify the governor and attorney general if a potential ground for removal exists. Makes conforming changes.

SECTION 5. Amends Chapter 111B, Human Resources Code, by adding Section 111.0132, to add standard language developed by the Sunset Advisory Commission regarding the training of board members.

SECTION 6. Amends Chapter 111B, Human Resources Code, by adding Section 111.0161, to read as follows:

Sec. 111.0161. **ADVISORY COMMITTEES REPORT TO BOARD.** Requires each advisory committee established by law to advise the commission to report and advise the board on the committee's activities and results of its work. Requires each committee to work with the commissioner, the commissioner's staff, and the board. Requires the board to adopt rules to implement this section.

SECTION 7. Amends Section 111.017, Human Resources Code, to provide that the commissioner is appointed by the board, with the approval of the governor, and serves at the pleasure of the board, rather than on the basis of education, training, experience, and demonstrated ability. Provides that the commissioner is the executive head of the agency.

SECTION 8. Amends Section 111.018, Human Resources Code, to require the board to adopt policies and rules to effectively carry out the purpose of this chapter and to supervise the commissioner's administration of this chapter. Requires the board to develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the commissioner and staff of the commission. Authorizes the board to delegate to the commissioner or acting commissioner any power or duty imposed on the board by law except that the board is prohibited from delegating power to adopt rules. Requires the delegation of power to be in writing. Requires any delegation of the board's authority to be adopted by the board in a public meeting. Requires a policy statement to include personnel policies that show the intent of the commission to avoid the unlawful employment practices described by Chapter 21, Labor Code, and an analysis of the extent to which the composition of the commission's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law. Requires the policy statement to be updated annually, reviewed by the state Commission on Human Rights for compliance with Subsection (g)(1), and filed with the governor's office. Deletes text concerning a requirement of the policy statement. Deletes text concerning the information required to be included in the policy statement. Makes conforming changes.

SECTION 9. Amends Section 111.019, Human Resources Code, to require the commission, rather than the commissioner with the approval of the board, to make long-range and intermediate plans for the scope and development of the program.

SECTION 10. Amends Section 111.021, Human Resources Code, by adding Subsection (c), to require the commission to post on the Internet in an accessible format the reports required under this section and any other agency performance data required to be reported to this state or the federal government. Requires the commission to remove the confidential information before posting the report or performance data if a report or performance data contains confidential information.

SECTION 11. Amends Section 111.022, Human Resources Code, to make a conforming change.

SECTION 12. Amends Section 111.023, Human Resources Code, to make a conforming change.

SECTION 13. Amends Section 111.024, Human Resources Code, to authorize the commissioner, with the approval of the board, to delegate to any officer or employee of the commission responsibilities of, rather than those powers and duties except the making of regulations and the appointment of personnel, the commissioner as necessary to carry out the purposes of this chapter.

SECTION 14. Amends Section 111.025, Human Resources Code, to add standard language developed by the Sunset Advisory Commission regarding the restrictions on board membership and employment.

SECTION 15. Amends Section 111.026, Human Resources Code, by adding Subsections (c), (d), and (e), to add standard language developed by the Sunset Advisory Commission regarding written complaints filed with the commission.

SECTION 16. Amends Section 111.052(a), Human Resources Code, to make a conforming change.

SECTION 17. Amends Chapter 111C, Human Resources Code, by adding Section 111.0525, as follows:

Sec. 111.0525. **COORDINATION WITH STATE AGENCIES.** Requires the commission to target extended rehabilitation services to those individuals who are not eligible to receive similar services from the Texas Department of Mental Health and Mental Retardation(TXMHMR) or another agency. Requires the commission to enter into an agreement with the TXMHMR to

reduce duplication and fragmentation of employment services by defining each agency's role and responsibilities for shared client populations. Requires the commission to establish a formal referral process with the Texas Workforce Commission (TWC) to ensure that appropriate vocational rehabilitation clients are referred to and receive services provided by TWC or local workforce developmental agencies.

SECTION 18. Amends Chapter 111C, Human Resources Code, by adding Section 111.0551, as follows:

Sec. 111.0551. **PROVISION OF MEDICAL SERVICES.** Sets forth the required duties of the commission.

SECTION 19. Amends Chapter 111C, Human Resources Code, by adding Section 111.0552, as follows:

Sec. 111.0552. **RATES FOR MEDICAL SERVICES.** Requires the board to adopt rules and standards governing the determination of rates the commission will pay for medical services. Requires the board to annually adopt, by rule, a schedule of rates based on the rules and standards adopted under Subsection (a). Sets forth the requirements of the board concerning the adoption of a rate schedule. Requires the board to hold a public hearing before adopting rules to allow interested persons to present comments.

SECTION 20. Amends Chapter 111C, Human Resources Code, by adding Section 111.0553, as follows:

Sec. 111.0553. **PROCUREMENT METHODS.** Requires the commission to develop and, following review and approval by the board, implement agency-wide procurement procedures to: ensure compliance with the best-value purchasing requirements of Section 2155.144(c), Government Code; document that a best-value review of vendors has occurred and the reasons for selecting a vendor; negotiate price discounts with high-volume vendors; and consolidate purchases with other agencies, including the Texas Department of Health and the General Services Commission, to achieve the best value and provide effective public notification to potential vendors of planned commission purchases.

SECTION 21. Amends Chapter 111, Human Resources Code, by adding Subchapter D, as follows:

SUBCHAPTER D. VOCATIONAL REHABILITATION SERVICES

Sec. 111.070. **PROVISION OF SERVICES.** Requires the board, by rule, to establish and maintain guidelines for providing vocational rehabilitation services that are consistent with state and federal laws and regulations. Sets forth the guidelines for providing vocational rehabilitation services. Requires the board to annually assess the effectiveness of the state's vocational rehabilitation program.

Sec. 111.071. Requires the board to provide specific guidance to vocational rehabilitation counselors. Sets forth the specific guidance information. Requires the board to require monitoring and oversight of vocational rehabilitation counselor performance and decision making.

Sec. 111.072. **CLIENT ORIENTATION MATERIALS.** Requires the commission to develop and distribute at intake client orientation materials for the vocational rehabilitation program that includes information on the commission's decision making criteria.

Sec. 111.073. **TRANSITION PLANNING.** Requires the commission to assess the statewide need for services necessary to prepare students with disabilities for a successful transition to employment; establish collaborative relationships with each school district with education service centers to the maximum extent possible within available resources; and develop strategies to assist vocational rehabilitation counselors in identifying and reaching students in need of transition planning.

SECTION 22. Amends Section 302.021, Labor Code, by adding Subsection (d), to require the division of workforce development of the commission (division) to promote and monitor services provided to persons with disabilities, including persons referred from the Texas Rehabilitation Commission.

SECTION 23. Effective date: September 1, 1999.

SECTION 24. Requires the board of the Texas Rehabilitation Commission to adopt rules by January 1, 2000.

SECTION 25. Emergency clause.