

## **BILL ANALYSIS**

Senate Research Center  
76R830 CMR-D

S.B. 361  
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Health Services  
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As Filed

### **DIGEST**

The Texas Commission for the Blind (commission) was created in 1931, to provide services to persons with visual impairments to ensure they can actively and independently participate in society. Commission services include counseling and guidance, independent living skills, vocational training, physical restoration and adaptive technology devices. Commission counselors work one-on-one with clients to assess their needs and abilities, to develop goals, and to devise a plan of services to achieve successful outcomes leading to employment. The commission also provides services through the Independent Living program, the Children's Program, and the Business Enterprises Program, a federally-authorized program providing management opportunities in the food services industry. However, the commission's main program is Vocational Rehabilitation which helps clients to become employed, and accounts for 80 percent of the commission's program expenditures. The commission also operates the Criss Cole Rehabilitation Center, a 24-hour residential program that provides a comprehensive array of services and training in vocational and independent living skills. In the 1998 fiscal year, the commission provided services to approximately 21,500 clients, with 610 employees and a budget of \$42.4 million. The commission is subject to the Sunset Act and will be abolished on September 1, 1999, unless continued by the Legislature. S.B. 361 would continue the Texas Commission for the Blind until September 1, 2007, and would make statutory modifications recommended by the Sunset Advisory Commission.

### **PURPOSE**

As proposed, S.B. 361 continues the Texas Commission for the Blind, and makes statutory modifications.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 91.001 and 91011, Human Resources Code, to provide that the Texas Commission for the Blind (commission) is abolished and this chapter expires effective September 1, 2007, rather than 1999. Requires appointments to the commission, rather than board, to be made without regard to disability, rather than handicap, of the appointees, except as provided by this subsection. Adds standard language developed by the Sunset Advisory Commission regarding a member of the commission and commission employees.

SECTION 2. Amends Section 91.015(c), Human Resources Code, to add standard language developed by the Sunset Advisory Commission regarding grounds for removal.

SECTION 3. Amends Sections 91.016(c) and (d), Human Resources Code, to require the executive director or the executive director's designee, rather than commission, to provide to members and employees of the commission as often as is necessary information regarding their qualifications under this title and their responsibilities under applicable laws relating to standards of conduct for state officers or employees. Requires the commission to develop and implement policies which clearly separate the policymaking, rather than respective, responsibilities of the commission, rather than governing body of the agency, and the management responsibilities of the executive director and the staff of the commission, rather than agency.

SECTION 4. Amends Chapter 91B, Human Resources Code, by amending Sections 91.017 and 91.018 and adding Section 91.020, to add standard language developed by the Sunset Advisory Commission

regarding equal employment opportunity policy statement, complaints, and training of commission members.

SECTION 5. Amends Chapter 91C, Human Resources Code, by amending Section 91.028 and adding Sections 91.022, 91.029, 91.030, and 91.031, as follows:

Sec. 91.022. SERVICE DELIVERY. Authorizes the commission to establish and maintain, by rule, guidelines for the delivery of services by the commission. Requires the guidelines to be consistent with state and federal law and regulations and to include certain rules. Requires the commission to establish written procedures relating to the evaluation of services delivered by the commission to provide guidance to counselors and commission employees. Requires the procedures to include methods to evaluate client progress, service delivery effectiveness, and counselor performance.

Sec. 91.028. SERVICES FOR VISUALLY HANDICAPPED CHILDREN. Authorizes the commission to establish, by rule, the income level at which the Medicaid eligibility of a client applying for services under Subsection (a) to be verified. Requires the commission to verify the Medicaid eligibility of a client applying for services under Subsection (a) whose income level is equal to or less than the income level established by the commission under Subsection (b). Requires the commission to verify the Medicaid eligibility of a client who is required by the commission to apply for Medicaid no later than the 90th day after the day after the date the application for services from the commission is made. Requires an employee of the commission, in verifying Medicaid eligibility, to examine appropriate state or private Medicaid eligibility databases, and record on each client's application for services whether Medicaid eligibility was verified, the source of the verification, and the date of the verification. Makes a conforming change.

Sec. 91.029. RATES FOR MEDICAL SERVICES. Authorizes the commission to adopt rules and standards governing the determination of rates the commission will pay for medical services provided under this chapter; includes a schedule for periodic reevaluation of the rates. Establishes a schedule of rates based on the rules and standards adopted under Subsection (a); and to compare the proposed rate schedule to other cost-based rates for medical services, including Medicaid and Medicare rates, and document the reason that any rate exceeds the Medicaid or Medicare rate for the same service.

Sec. 91.030. CONTRACTS FOR SERVICE. Requires the commission to include in its contracts with service providers certain provisions. Requires the commission to monitor a service provider's performance under a contract for service. Requires the commission, in monitoring performance, to use a risk-assessment methodology to institute statewide monitoring of contract compliance of service providers, and evaluate service providers based on clearly defined and measurable program performance objectives.

Sec. 91.031. CONTRACTS FOR ADAPTIVE TECHNOLOGY. Requires the commission to include in a contract with a supplier of adaptive technology equipment provisions that require the supplier to provide training for and maintain the adaptive technology equipment.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Emergency clause.