

(The House considered SB 37 by Zaffirini, the Senate companion bill, in lieu of HB 166, the House version of the bill, which had been set on the daily calendar and was analyzed by the House Research Organization. The bill subsequently was enacted as SB 37.)

HOUSE
RESEARCH

ORGANIZATION bill digest

5/8/2009

HB 166
Naishtat, et al.

SUBJECT: Allowing children to receive DB-MD waiver program support services

COMMITTEE: Human Services — favorable, without amendment

VOTE: 9 ayes — Rose, Herrero, Darby, Elkins, Hernandez, Hughes, Legler,
Naishtat, Walle

0 nays

WITNESSES: For — Robbie Caldwell, Melanie Knapp, Richard Newton, Stephen
Schoen, Deaf Blind Multihandicapped Association of Texas; (*Registered,
but did not testify*: Bruce Bower; Dawn Choate, the Arc of Texas; Susan
Murphree, Advocacy, Incorporated)

Against — None

On — Michelle Dionne-Vahalik. Adelaide Horn, Department of Aging
and Disability Services (DADS)

BACKGROUND: The Deaf-Blind with Multiple Disabilities (DB-MD) waiver program is
one of the five waiver programs serving individuals with intellectual or
developmental disabilities. DB-MD serves individuals who are deaf and
blind with multiple disabilities.

Of the five waiver programs serving individuals with intellectual or
developmental disabilities, all offer services to children as well as adults,
except the DB-MD waiver program, which is limited to adults.

DIGEST: HB 166 would amend the Human Resources Code to require the
Department of Aging and Disability Services (DADS) to provide home-
and community-based services under the DB-MD waiver program without
regard to an individual's age, if the individual applied for and was
otherwise eligible for services.

The bill would not prevent the department from establishing an age
requirement with respect to other programs or services offered to

individuals who are deaf-blind and have multiple disabilities.

The executive commissioner of the Health and Human Services Commission (HHSC) would, as soon as possible after the effective date of the bill, apply for and pursue an amendment to the state's DB-MD waiver, or other federal authorization, regarding individuals who are younger than 18 years of age. DADS could delay implementing provisions of the bill until the amendment or other authorization was granted. The executive commissioner would adopt rules regarding implementing the bill as soon as possible after obtaining the amendment or other authorization.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.