

SUBJECT: Transferring and renaming developmental disability office

COMMITTEE: Human Services — favorable, without amendment

VOTE: 6 ayes — Raymond, Klick, Miller, Minjarez, Rose, Wu

0 nays

3 absent — Frank, Keough, Swanson

SENATE VOTE: On final passage, April 24 — 25-5 (Burton, Creighton, Hall, Huffines, V. Taylor)

WITNESSES: *On House companion bill, HB 3842:*

For — Jonathan Meyer, FASD Collaborative; Greg Hansch, National Alliance on Mental Illness, Texas; Ashley Givens; Jerry Roberson; (*Registered, but did not testify:* Liz Garbutt, Children's Defense Fund, Texas; Chris Masey, Coalition of Texans with Disabilities; Jeff Miller, Disability Rights Texas; Gyl Switzer, Mental Health America of Texas; Christine Yanas, Methodist Healthcare Ministries of South Texas; Will Francis, National Association of Social Workers, Texas Chapter; Adriana Kohler, Kate Murphy, and Josette Saxton, Texans Care for Children; Sarah Crockett, Texas CASA; Andrew Cates, Texas Nurses Association; Lee Nichols, TexProtects; Kyle Piccola, the Arc of Texas; James Thurston, United Ways of Texas; Sheryl Draker; Maria Person)

Against — None

On — Colleen Horton, Hogg Foundation for Mental Health; Janet Sharkis, Texas Office for Prevention of Developmental Disabilities

BACKGROUND: The Texas Office for the Prevention of Developmental Disabilities is a joint private-public initiative administratively attached to the Health and Human Services Commission (HHSC) and governed by Human Resources Code, ch. 112, subch. C. Its duties include educating the public and promoting sound public policy on the prevention of developmental

disabilities and collecting data on the causes, prevalence, and preventability of developmental disabilities.

The Office for the Prevention of Developmental Disabilities is scheduled to be abolished as a separate entity and transferred to the Health and Human Services Commission by September 1, 2017. Once the commission assumes the duties of the office, the office's executive committee and board of advisors will be abolished.

**DIGEST:**

SB 1743 would abolish the Office for the Prevention of Developmental Disabilities as an independent office, transfer it to the University of Texas at Austin as a program, and rename it as the Office for Healthy Children. The office no longer would be subject to consolidation with the Health and Human Services Commission (HHSC). Provisions governing the office under Human Resources Code, ch. 112, subch. C would be transferred to the Education Code and amended to reflect these changes.

The office's executive committee, board of advisors, and position of executive director would be abolished when the bill took effect. The president of UT Austin or a designee could hire the person serving as the executive director immediately before the role was abolished for a position in the office. Employees of the office would become employees of the university.

SB 1743 would require all money, contracts, leases, rights, obligations, and property of the office and all funds appropriated to it by the Legislature to be transferred to UT Austin. All funds accepted by the office from gifts, donations, and grants of money from public and private sources would be administered by the university. The bill would require the university to maintain a separate accounting of these funds.

SB 1743 would not affect the validity of any action taken by the office, including by the executive committee or board of advisors, before the bill's effective date. Any action or proceeding pending before the office on the effective date of the bill would become an action or proceeding before the university. In addition, a rule, form, policy, procedure, or decision of

the office or of HHSC related to the office would continue in effect as a rule, form, policy, procedure, or decision of the University of Texas System until superseded.

The bill would take effect August 31, 2017.

**SUPPORTERS  
SAY:**

SB 1743 would ensure that the important work of the Texas Office for the Prevention of Developmental Disabilities could continue while still accomplishing the consolidation efforts of the health and human services Sunset legislation from 2015. The bill would transfer the office to the University of Texas at Austin, rather than to the Health and Human Services Commission, and rename it as the Office for Healthy Children. Currently, the office is a pseudo-governmental organization that is mostly self-funded. If the office were subsumed into the Health and Human Services Commission (HHSC) without dedicated funding or staff, its duties could be compromised.

All aspects of the office's operations as part of the university would be supported through its fundraising activities. The board of regents would not be allowed to submit a legislative appropriations request for general revenue funds for the office, and the university would have to maintain a separate accounting of funds raised. If the office could not raise enough money to support itself, it would cease functioning. However, being under the umbrella of the university could improve the office's fundraising opportunities.

SB 1743 would support the office's purpose of protecting Texas children from preventable developmental disabilities and provide a sustainable solution for the office. Transferring the office to UT Austin also would allow it to collaborate with entities at the university working on similar issues. Every developmental disability that is avoided or minimized as a result of the office's work provides a cost savings to the state.

**OPPONENTS  
SAY:**

Preserving the Office for the Prevention of Developmental Disabilities and continuing its functions could circumvent the process established to eliminate duplicative or unnecessary government agencies. The Sunset

legislation requiring the office to be abolished as a separate entity and transferred to HHSC should be respected. Under the bill, the office still could be a cost to the state. It would continue to have overhead and staff retirement costs, and if it did not raise enough money to support itself, its operating expenses could come from the university's budget.

**NOTES:**

A companion bill, HB 3842 by Hinojosa, was reported favorably by the House Human Services Committee on April 25 and placed on the House General State Calendar for May 10.