

BILL ANALYSIS

Senate Research Center

H.B. 1401
By: Gray (Harris)
Health Services
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Engrossed

DIGEST

Currently, Texas law requires the Texas Commission for the Deaf and Hard of Hearing (commission) to develop and implement a statewide program of advocacy and education to ensure continuity of services to persons who are deaf or hard of hearing. H.B. 1401 would reestablish guidelines for the commission.

PURPOSE

As proposed, S.B. 1401 reestablishes guidelines for the Texas Commission for the Deaf and Hard of Hearing.

RULEMAKING AUTHORITY

Rulemaking authority is granted to Texas Commission for the Deaf and Hard of Hearing in SECTIONS 6, 7, and 12 (Sections 81.006(6), 81.007(k), and 81.014(f), Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 81.002, Human Resources Code, by amending Subsections (d) and (e) and adding Subsection (g), to add standard language developed by the Sunset Advisory Commission regarding membership on the Texas Commission for the Deaf and Hard of Hearing (commission). Defines “Texas trade association.”

SECTION 2. Amends Section 81.0021(c), Human Resources Code, to add standard language developed by the Sunset Advisory Commission regarding removal from the commission.

SECTION 3. Amends Chapter 81, Human Resources Code, by adding Section 81.0022, to add standard language developed by the Sunset Advisory Commission regarding training.

SECTION 4. Amends Section 81.004, Human Resources Code, to provide that the commission is abolished and this chapter expires September 1, 2011, rather than 1999, unless the commission is continued in existence as provided by that chapter.

SECTION 5. Amends Section 81.005(b), Human Resources Code, to make a conforming change. Deletes text regarding at least one of those meetings.

SECTION 6. Amends Section 81.006, Human Resources Code, to authorize the commission to annually adopt, by rule, a schedule of fees, payable by the commission for interpreter services with graduated fee amounts that fulfill certain conditions. Authorizes the commission to develop guidelines for trilingual interpretation services, and provide training programs for persons who provide trilingual interpretation services. Redesignates Subsections (f) and (g). Deletes text regarding annual review of the schedule of fees; and requiring the commission to provide employees information regarding their qualifications. Makes a conforming and nonsubstantive change.

SECTION 7. Amends Section 81.007, Human Resources Code, by amending Subsections (f), (g), and (k) and adding Subsection (1), to authorize the commission to waive any prerequisite to obtaining a certificate, rather than certification requirement, for an applicant after reviewing the applicant’s credentials and determining that the applicant holds a certificate issued by another jurisdiction that has certification requirements substantially equivalent to those of this state. Authorizes the commission to waive any prerequisite to obtaining a certificate for an applicant who holds a certificate issued by another jurisdiction with which this state has a reciprocity agreement, and to make an agreement, subject to the approval of

the governor, with another state to allow for certification by reciprocity. Requires the commission to prorate certificate fees on a monthly basis so that each certificate holder pays only that portion of the certificate fee that is allocable to the number of months during which the certificate is valid, for the year in which the certificate expiration date is changed. Provides that the total certificate renewal fee is payable, on renewal of the certificate on the new expiration date. Requires the commission to compensate an evaluator based on a fee schedule as determined by commission rule. Requires the commission to recognize, prepare, or administer continuing education programs for its certificate holders. Requires a certificate holder to participate in the programs to the extent required by the commission to keep the person's certificate. Deletes text regarding a valid certificate from another state; and certain specific amounts of compensation for an evaluator

SECTION 8. Amends Section 81.0071, Human Resources Code, by amending Subsection (a) and adding Subsection (c), to require the commission to notify each examinee of the results of the examination, no later than the 60th day after the date, rather than day, on which a certification examination is administered under this chapter. Authorizes the commission to require a testing service to notify a person of the results of the person's examination. Makes a conforming change.

SECTION 9. Amends Chapter 81, Human Resources Code, by adding Section 81.0073, as follows:

Sec. 81.0073. CERTIFICATE RENEWAL. Authorizes a person who is otherwise eligible to renew a certificate to renew an unexpired certificate by paying the required renewal fee to the commission before the expiration date of the certificate. Prohibits a person whose certificate has expired from engaging in activities that require a certificate until the certificate has been renewed. Authorizes a person whose certificate has been expired for 90 days or less to renew the certificate by paying to the commission a renewal fee that is equal to 1-1/2 times the normally required renewal fee. Authorizes a person whose certificate has been expired for more than 90 days but less than one year to renew the certificate by paying to the commission a renewal fee that is equal to twice the normal required renewal fee. Prohibits a person whose certificate has been expired for one year or more from renewing the certificate. Authorizes the person to obtain a new certificate by complying with the requirements and procedures, including the examination requirements, for obtaining an original certificate. Authorizes a person who was certified in this state, moved to another state, and is currently certified and has been in practice in the other state for the two years preceding the date of application to obtain a new certificate without reexamination. Requires the person to pay to the commission a fee that is equal to two times the normally required renewal fee for the certificate. Requires the commission to send written notice of the impending expiration to the person at the person's last known address according to the records of the commission, no later than the 30th day before the date a person's certificate expires.

SECTION 10. Amends Chapter 81, Human Resources Code, by adding Section 81.0074, as follows:

Sec. 81.0074. PROVISIONAL CERTIFICATE. Authorizes the commission to issue a provisional certificate to an applicant currently certified in another jurisdiction who seeks a certificate in this state and who meets certain requirements. Authorizes the commission to waive the requirement of Subsection (a)(3) for an applicant if the commission determines that compliance with that subsection would be a hardship to the applicant. Provides that a provisional certificate is valid until the date the commission approves or denies the provisional certificate holder's application for a certificate. Requires the commission to issue a certificate under this chapter to the provisional certificate holder, if certain conditions exist. Requires the commission to approve or deny a provisional certificate holder's application for a certificate is issued. Authorizes the commission to extend the 180-day period, if the results of an examination have not been received by the commission before the end of that period. Authorizes the commission to establish a fee for provisional certificates in an amount reasonable and necessary to cover the cost of issuing the certificate.

SECTION 11. Amends Section 81.008, Human Resources Code, by amending Subsection (d) and adding Subsections (e) and (f), to add standard language developed by the Sunset Advisory Commission regarding equal employment opportunity policy.

SECTION 12. Amends Section 81.014, Human Resources Code, by amending Subsections (c) and (d) and adding Subsections (e) and (f), to add standard language developed by the Sunset Advisory Commission regarding complaints.

SECTION 13. Amends Section 81.017(a), Human Resources Code, deletes text regarding adopting a memorandum, by rule.

SECTION 14. Amends Section 81.019(b), Human Resources Code, to delete text regarding a fee that does not exceed \$2.

SECTION 15. Amends Chapter 81, Human Resources Code, by adding Section 81.020, as follows:

Sec. 81.020. ASSISTANCE REGARDING TELECOMMUNICATIONS DEVICES. Prohibits the commission from issuing certain information received by the commission about an individual who applies for assistance regarding telecommunications devices.

SECTION 16. Makes application of this Act retroactive.

SECTION 17. Effective date: September 1, 1999.

SECTION 18. Emergency clause.