

## **BILL ANALYSIS**

Senate Research Center  
81R3978 GCB-D

S.B. 1144  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

More than 60 percent of persons residing in state schools do not have a guardian. As well, many persons with intellectual disabilities residing in community settings across Texas do not have guardians. While protecting the civil rights of persons must remain a priority, it is also recognized that many individuals may need support in making life decisions.

This legislation would create a pilot program that provides the support that persons with intellectual disabilities may need to make their own decisions. Supported decision-making differs from surrogate decision-making in that the person retains the right to make his or her own decisions. Supported decision-making assists a person to understand the information needed to make certain life decisions such as where a person wants to live, who the person wants to live with, where the person wants to work, and what the person wants to do during leisure time. With supported decision-making, persons retain their civil rights.

As proposed, S.B. 1144 establishes a volunteer-supported decision-making advocate pilot program for persons with intellectual and developmental disabilities and persons with other cognitive disabilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.02446, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02446, as follows:

Sec. 531.02446. VOLUNTEER-SUPPORTED DECISION-MAKING ADVOCATE PILOT PROGRAM. (a) Defines "peer-to-peer services training," "pilot program," "self-advocacy organization," "state school," and "supported decision-making services."

(b) Requires the Health and Human Services Commission (HHSC) to create a pilot program to promote the provision of supported decision-making services to persons with intellectual and developmental disabilities and persons with other cognitive disabilities. Requires HHSC to select at least one rural community and at least one urban community in which to implement the program. Requires HHSC to convene a work group to develop the rules and structure of the pilot program. Requires that the work group consist of family members of, and advocates for, persons with intellectual and developmental disabilities and persons with other cognitive disabilities, and of other persons interested in promoting supported decision-making services. Requires that the work group include at least one representative of a self-advocacy organization and at least one self-advocate.

(c) Requires HHSC to contract with one or more entities to administer the pilot program and to recruit and train volunteer advocates to provide supported decision-making services. Authorizes the pilot program to be created or

administered by a nonprofit organization, a self-advocacy organization, or a local mental retardation authority or a collaboration of any of those types of entities.

(d) Requires HHSC to award a contract to an entity or collaboration of entities described by Subsection (c) that demonstrates a commitment to a philosophy of self-determination in providing supported decision-making services; providing peer-to-peer services training; person-centered planning; and preserving the rights provided by federal and state law of persons with intellectual and developmental disabilities and persons with other cognitive disabilities; and the ability to provide supported decision-making services to assist persons with intellectual and developmental disabilities and persons with other cognitive disabilities in understanding their personal options, support options, opportunities, and responsibilities to help the person remain as independent as possible.

(e) Requires HHSC to ensure that the pilot program provides supported decision-making services to persons living in the community and persons living in an institutional setting. Requires that the pilot program in at least one site serve residents of a state school, especially residents who have expressed a desire to leave the state school and do not have a guardian.

(f) Requires the executive commissioner of HHSC (executive commissioner) by rule to prescribe the criteria a contractor is required to use in evaluating the effectiveness of supported decision-making services provided by the pilot program. Requires that the criteria be similar to the National Core Indicators promulgated by the Human Services Research Institute.

(g) Requires HHSC, before each regular session of the legislature, to publish a report that includes an evaluation of the effectiveness of the pilot program under the criteria established under Subsection (f), recommendations for changes to improve the operation of the pilot program, and a recommendation to continue, expand, or eliminate the pilot program.

(h) Provides that this section expires September 1, 2013.

SECTION 2. Requires the executive commissioner, not later than January 1, 2010, to appoint persons to a pilot program work group as required under Section 531.02446(b), Government Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2009.