

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3287
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Health & Human Services
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are approximately 2,500 Texans who are deaf-blind, or challenged with a dual sensory loss of hearing and vision. A small percentage of these Texans are adults who strive to live as independently as possible, but face many barriers to participating in the activities that support living independently.

Over 30 states, including those neighboring Texas, have alleviated this serious access issue by funding Co-Navigator services. These specially-trained personnel convey environmental information as well as verbal and non-verbal interactions, while co-navigating with deaf-blind individuals, so that they are able to autonomously handle daily living and civic activities. Such fundamental human endeavors include—but are not limited to: shopping, banking, traveling, voting, engaging in personal medical evaluations and treatments, financial transactions, and community and civic events.

The Governor's Committee on People with Disabilities has routinely recommended that Texas follow suit, and estimates that an individual would receive up to 20 service hours a month under this bill.

The legislature has articulated that one of the Health and Human Service Commission's goals shall be to "foster the development of responsible, productive, and self-sufficient citizens by increasing services to help people with disabilities maintain or increase their independence." H.B. 3287 supports that goal by providing adult Texans who are deaf-blind with meaningful, reliable, and consistent access to basic health, safety, economic, legal, and civic matters.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3287 amends current law relating to the provision of certain co-navigation services to persons who are deaf-blind.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 81.014, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 81.001, Human Resources Code, by adding Subdivision (1), to define "commission" for purposes of Chapter 81 (Functions of Department of Assistive and Rehabilitative Services Relating to Persons Who are Deaf or Hard of Hearing).

SECTION 2. Amends Chapter 81, Human Resources Code, by adding Section 81.014, as follows:

Sec. 81.014. CO-NAVIGATION SERVICES PROGRAM FOR PERSONS WHO ARE DEAF-BLIND. (a) Defines "communication mode," "co-navigation services," "co-navigator," "program," and "protactile language."

(b) Requires the Health and Human Services Commission (HHSC) to operate a statewide co-navigation services program (program) through which co-navigation services are provided by co-navigators, and HHSC reimburses the co-navigators for the provision of the services.

(c) Requires the executive commissioner of HHSC (executive commissioner) by rule to establish reimbursement rates to be paid to a co-navigator under the program. Requires that the reimbursement rates use a tiered wage scale that is based on the co-navigator's level of training in communication modes for persons who are deaf-blind and in sighted guide-mobility techniques and on the co-navigator's fluency and skill in communication modes and sighted guide-mobility for persons who are deaf-blind.

(d) Requires HHSC to ensure that quality co-navigation services are provided under the program by:

(1) monitoring the compliance of co-navigators with program rules;

(2) developing funding sources for the program that are in addition to state sources and will reduce reliance on the state sources for continuation of the program; and

(3) providing funding and technical assistance for training programs for co-navigators under the program, and persons who are deaf-blind to enable those persons to effectively use the services offered under the program.

(e) Authorizes the executive commissioner to establish an advisory committee to advise HHSC in developing and operating the program, including operating the program in a manner that ensures the efficient use of state money. Requires the executive commissioner, subject to Section 2110.002 (Composition of Advisory Committees), Government Code, to determine the number of members serving on the advisory committee, which is required to include persons who are deaf-blind and other stakeholders.

(f) Authorizes the executive commissioner to adopt rules necessary to operate the program in a manner that is efficient and maximizes the number of persons served and to ensure that co-navigators receiving reimbursement under the program have adequate training to provide co-navigation services.

SECTION 3. Provides that not later than September 1, 2022:

(1) the executive commissioner is required to adopt rules necessary to implement Section 81.014, Human Resources Code, as added by this Act; and

(2) HHSC is required to begin operating the program required by that section.

SECTION 4. Provides that HHSC is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, HHSC is authorized, but not required, to implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 5. Effective date: September 1, 2021.