

AN ACT

relating to the continuation of the functions of the Department of Assistive and Rehabilitative Services and certain other functions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 117.001, Human Resources Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (1-b), (4-a), and (4-b) to read as follows:

(1) "Caseworker" means a department employee who manages a client's case under a direct services program and provides direct services to the client under the program.

(1-a) "Center for independent living" has the meaning assigned by Section 702 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796a).

(1-b) "Commission" means the Health and Human Services Commission.

(4-a) "Direct services" means services provided to a client by a department employee, including counseling, facilitating the purchase of services from a source other than the department, and purchasing equipment and other items and providing other services necessary for the client to successfully complete a department program.

(4-b) "Direct services program" means a program operated by the department through which direct services are provided.

SECTION 2. Subchapter D, Chapter 117, Human Resources Code, is amended by adding Sections 117.079, 117.080, 117.081, and 117.082 to read as follows:

Sec. 117.079. INTEGRATION OF INDEPENDENT LIVING SERVICES PROGRAMS. (a) Not later than September 1, 2016, the department shall integrate into a single independent living services program the following programs that the department operates under Title VII of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796 et seq.):

(1) the Independent Living Program for individuals who are blind or have visual impairments; and

(2) the Independent Living Services Program for individuals with significant disabilities.

(b) The executive commissioner shall adopt any rules necessary to facilitate the integration of the programs identified in Subsection (a), including rules that direct the department, as the single designated state entity responsible for administering the state's independent living services program, to comply with the requirements of 29 U.S.C. Section 796c for the integrated program.

(c) This section expires September 1, 2017.

Sec. 117.080. PROVISION OF INDEPENDENT LIVING SERVICES.

(a) The department shall ensure that all services provided under the independent living services program that the department operates under Title VII of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796 et seq.) are directly provided by centers for independent living, except as provided by Subsection (b), and are not directly provided by the department.

1        (b) If an area of the state does not have a center for  
2 independent living, or no center for independent living in that  
3 area is able to provide certain necessary services under the  
4 independent living services program, the department shall seek to  
5 identify a center for independent living that is willing and able to  
6 contract with a nonprofit organization or other person to provide  
7 the independent living services in the area under the program. If  
8 no center for independent living is willing and able to contract  
9 with another organization or other person, the department may  
10 directly contract with an organization or other person who is not a  
11 center for independent living to provide the independent living  
12 services in the area under the program.

13        (c) The department shall evaluate the independent living  
14 services provided by a center for independent living and shall  
15 provide necessary training or technical assistance to help the  
16 center for independent living expand its capacity to provide a full  
17 range of independent living services.

18        (d) The department shall monitor the performance of each  
19 center for independent living in providing independent living  
20 services, including how the center for independent living monitors  
21 the performance of the organizations and other persons with whom it  
22 contracts to provide independent living services.

23        (e) The executive commissioner shall adopt rules to  
24 implement this section that include:

25                (1) an equitable and transparent methodology for  
26 allocating funds to centers for independent living under the  
27 independent living services program;

1           (2) requirements applicable to the department in  
2 contracting with centers for independent living to provide  
3 independent living services under the program;

4           (3) requirements applicable to centers for  
5 independent living in contracting with organizations and other  
6 persons to provide independent living services under the program;

7           (4) requirements applicable to the department in  
8 contracting with organizations or other persons who are not centers  
9 for independent living to provide independent living services under  
10 the program;

11           (5) a process for the department to monitor  
12 independent living services contracts;

13           (6) guidelines on the department's role in providing  
14 technical assistance and training to centers for independent living  
15 as necessary; and

16           (7) expectations for department employees to refer  
17 persons who contact the department seeking independent living  
18 services to centers for independent living.

19           (f) Notwithstanding the requirements of this section, the  
20 department shall ensure that services provided under the  
21 independent living services program are provided as required by  
22 this section not later than August 31, 2016. This subsection  
23 expires September 1, 2017.

24           Sec. 117.081. COMPREHENSIVE REHABILITATION SERVICES  
25 PROGRAM. The department shall operate a comprehensive  
26 rehabilitation services program to provide comprehensive  
27 rehabilitation services to persons with traumatic brain or spinal

1 cord injuries. The executive commissioner shall adopt rules for  
2 the program that include:

3 (1) a system of organization for the delivery of the  
4 comprehensive rehabilitation services;

5 (2) eligibility requirements for the comprehensive  
6 rehabilitation services;

7 (3) the types of services that may be provided to a  
8 client under the program; and

9 (4) requirements for client participation in the costs  
10 of the comprehensive rehabilitation services.

11 Sec. 117.082. CHILDREN'S AUTISM PROGRAM. The department  
12 shall operate a children's autism program to provide services to  
13 children with autism spectrum disorders. The executive  
14 commissioner shall adopt rules for the program that include:

15 (1) a system of organization for the delivery of the  
16 autism services;

17 (2) eligibility requirements for the autism services;

18 (3) the types of services that may be provided to a  
19 client under the program; and

20 (4) requirements for participation by the client's  
21 family in the costs of the autism services.

22 SECTION 3. Chapter 117, Human Resources Code, is amended by  
23 adding Subchapter D-1 to read as follows:

24 SUBCHAPTER D-1. ADMINISTRATION OF DIRECT SERVICES PROGRAMS IN  
25 GENERAL

26 Sec. 117.091. DIRECT SERVICES PROGRAM CASEWORKER  
27 GUIDELINES. (a) The department shall use program data and best

practices to establish and maintain guidelines that provide direction for caseworkers' decisions in all of the department's direct services programs. The guidelines:

(1) must categorize direct services program cases based on the types of services provided and, for each category, include provisions addressing:

(A) the recommended length of time a case in that category should last; and

(B) the recommended total expenditures for a case in that category;

(2) must include provisions for creating intermediate goals for a client receiving services through a direct services program that will allow:

(A) the caseworker to monitor the client's progress; and

(B) the caseworker's supervisor to evaluate how the client's case is advancing;

(3) must include criteria for caseworkers to use in evaluating progress on the intermediate goals described in Subdivision (2); and

(4) may include other provisions designed to assist caseworkers and their supervisors to achieve successful outcomes for clients.

(b) A caseworker may exceed the recommended guidelines described in Subsection (a)(1) in a direct services program case but must obtain the approval of the caseworker's supervisor after documenting the need to exceed the guidelines.

1        (c) The guidelines established under this section are not  
2 intended to limit the provision of appropriate or necessary  
3 services to a client.

4        (d) The department shall provide the guidelines established  
5 under this section to caseworkers in a format that allows  
6 caseworkers to easily access the information.

7        Sec. 117.092. DIRECT SERVICES PROGRAM CASE REVIEW SYSTEM.

8        (a) The department shall establish and maintain a single, uniform  
9 case review system for all direct services programs.

10       (b) The case review system must:

11           (1) include risk assessment tools that account for the  
12 different risks involved in each direct services program;

13           (2) require that case reviews:

14               (A) be used to consistently evaluate each direct  
15 services program across all regions, with the goal of evaluating at  
16 least 10 percent of all cases in each program and region annually;

17               (B) focus on areas of highest risk and prioritize  
18 the review of the following cases:

19                       (i) except as provided by Subparagraph  
20 (ii), cases in which direct services have been provided for more  
21 than two years;

22                       (ii) cases in the Blind Children's  
23 Vocational Discovery and Development Program in which direct  
24 services have been provided for more than five years; and

25                       (iii) cases that are significantly outside  
26 the expenditure guidelines for that type of case;

27               (C) be used to evaluate a caseworker's

1 eligibility determinations and decisions to close a case before a  
2 service plan is developed or without the client reaching the  
3 client's goal; and

4 (D) focus on the quality of a caseworker's  
5 decision-making and compliance with program requirements; and

6 (3) require a caseworker's supervisor to use the  
7 reviews of a caseworker's cases in conducting the caseworker's  
8 performance evaluation and in providing informal guidance to the  
9 caseworker to improve the caseworker's performance.

10 Sec. 117.093. DIRECT SERVICES PROGRAM MONITORING. (a)  
11 Department personnel not employed to perform functions directly  
12 under a direct services program must be designated to monitor those  
13 programs from a statewide perspective. The designated personnel  
14 shall collect, monitor, and analyze data relating to direct  
15 services programs and report outcomes and trends to program  
16 managers and, as necessary, the commissioner or other appropriate  
17 executive management.

18 (b) The monitoring function under Subsection (a) must  
19 include monitoring of:

20 (1) performance data from all regions and all direct  
21 services programs to identify trends; and

22 (2) case review data to ensure compliance with the  
23 case review system under Section 117.092.

24 (c) Personnel designated to perform the monitoring function  
25 required by this section shall work with direct services program  
26 staff to develop objective and detailed outcome measures for the  
27 programs.



1        (d) The department may conduct internal peer reviews of the  
2 department's field offices at regular intervals to assess the field  
3 offices' compliance with federal regulations and department  
4 policies and to compare each field office's compliance with the  
5 compliance of the other field offices. The department may use  
6 personnel designated to perform the monitoring function required by  
7 this section to facilitate the internal peer reviews.

8        SECTION 4. (a) Subchapter A, Chapter 117, Human Resources  
9 Code, is amended by adding Sections 117.004 and 117.005 to read as  
10 follows:

11        Sec. 117.004. INAPPLICABILITY OF CERTAIN LAW.  
12 Notwithstanding Section 117.003, Section [325.017](#), Government Code,  
13 does not apply to the department.

14        Sec. 117.005. MEANING OF CERTAIN REFERENCES IN LAW. (a) A  
15 reference in this chapter or in any other law to the department in  
16 relation to a function transferred to the commission under Section  
17 117.012 means the commission or the division of the commission  
18 performing the function after its transfer.

19        (b) In this chapter or in any other law and notwithstanding  
20 any other law, a reference to any of the following state agencies or  
21 entities or to the chief executive officer or governing body of any  
22 of the following state agencies or entities in relation to a  
23 function transferred to the commission under Section 117.012 from  
24 the department that the department assumed in accordance with  
25 Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular  
26 Session, 2003, means the executive commissioner, the commission, or  
27 the division of the commission performing the function after its

transfer to the commission:

(1) the Texas Rehabilitation Commission;

(2) the Interagency Council on Early Childhood  
Intervention;

(3) the Texas Commission for the Blind; and

(4) the Texas Commission for the Deaf and Hard of  
Hearing.

(c) A reference in this chapter or in any other law to the  
commissioner in relation to a function transferred to the  
commission under Section 117.012 means the executive commissioner,  
the executive commissioner's designee, or the director of the  
division of the commission performing the function after its  
transfer.

(d) A reference in this chapter or in any other law to the  
council in relation to a function after its transfer to the  
commission under Section 117.012 means the executive commissioner  
or the executive commissioner's designee, as appropriate, and a  
function previously performed by the council is a function of that  
appropriate person.

(b) Chapter 117, Human Resources Code, is amended by adding  
Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TRANSFER OF ASSISTIVE AND REHABILITATIVE SERVICES  
TO COMMISSION

Sec. 117.011. DEFINITIONS. In this subchapter:

(1) "Administrative support services" has the meaning  
assigned by Section 531.0055(d), Government Code.

(2) "Function" includes a power, duty, program, or

1 activity of a state agency or entity.

2 Sec. 117.012. TRANSFER OF ASSISTIVE AND REHABILITATIVE  
3 SERVICES TO COMMISSION. (a) Not later than September 1, 2016, and  
4 subject to Subsection (b), all functions of the department and  
5 council, including administrative support services functions, are  
6 transferred to the commission as provided by this subchapter.

7 (b) If S.B. 208, H.B. 3294, or similar legislation of the  
8 84th Legislature, Regular Session, 2015, is enacted and becomes law  
9 and provides for the transfer of certain department functions to an  
10 entity other than the commission, the functions transfer as  
11 provided by that legislation and are not subject to transfer under  
12 Subsection (a).

13 Sec. 117.013. EFFECT OF TRANSFERS. (a) All of the  
14 following that relate to a function that is transferred to the  
15 commission under Section 117.012 are transferred to the commission  
16 on the date the related function is transferred to the commission:

17 (1) all obligations and contracts, including  
18 obligations and contracts related to a grant program;

19 (2) all property and records in the custody of the  
20 department or council from which the function is transferred;

21 (3) all funds appropriated by the legislature and  
22 other money;

23 (4) all complaints, investigations, or contested  
24 cases that are pending before the department or the commissioner,  
25 without change in status; and

26 (5) all necessary personnel, as determined by the  
27 executive commissioner.

1        (b) A rule, policy, or form adopted by or on behalf of the  
2 department or council that relates to a function that is  
3 transferred to the commission under Section 117.012 becomes a rule,  
4 policy, or form of the commission on transfer of the related  
5 function and remains in effect:

6            (1) until altered by the executive commissioner or  
7 commission, as appropriate; or

8            (2) unless it conflicts with a rule, policy, or form of  
9 the commission.

10        (c) A license, permit, or certification in effect that was  
11 issued by the department that relates to a function that is  
12 transferred to the commission under Section 117.012 is continued in  
13 effect as a license, permit, or certification of the commission on  
14 transfer of the related function until the license, permit, or  
15 certification expires, is suspended or revoked, or otherwise  
16 becomes invalid.

17        Sec. 117.014. APPLICABILITY OF FORMER LAW. An action  
18 brought or proceeding commenced before the date of a transfer  
19 prescribed by this subchapter, including a contested case or a  
20 remand of an action or proceeding by a reviewing court, is governed  
21 by the laws and rules applicable to the action or proceeding before  
22 the transfer.

23        Sec. 117.015. EXPIRATION OF SUBCHAPTER. This subchapter  
24 expires September 1, 2019.

25        (c) Section 117.003, Human Resources Code, is amended to  
26 read as follows:

27        Sec. 117.003. SUNSET PROVISION.        The Department of

1 Assistive and Rehabilitative Services is subject to Chapter 325,  
2 Government Code (Texas Sunset Act). Unless continued in existence  
3 as provided by that chapter, the department is abolished [~~and this~~  
4 ~~chapter expires~~] September 1, 2016 [~~2015~~].

5 (d) As soon as appropriate under Subchapter A-1, Chapter  
6 117, Human Resources Code, as added by this section, and in a manner  
7 that minimizes disruption of services, the Health and Human  
8 Services Commission shall take appropriate action to be designated  
9 as the state agency responsible under federal law for any state or  
10 federal program that is transferred to the commission in accordance  
11 with that subchapter and for which federal law requires the  
12 designation of a responsible state agency.

13 (e) Effective September 1, 2016, the following provisions  
14 of the Human Resources Code, including provisions amended by S.B.  
15 No. 219, Acts of the 84th Legislature, Regular Session, 2015, are  
16 repealed:

- 17 (1) Section [117.002](#);
- 18 (2) Section [117.021](#);
- 19 (3) Section [117.022](#);
- 20 (4) Section [117.023](#);
- 21 (5) Section [117.024](#);
- 22 (6) Section [117.025](#);
- 23 (7) Section [117.026](#);
- 24 (8) Section [117.027](#);
- 25 (9) Section [117.028](#);
- 26 (10) Section [117.029](#);
- 27 (11) Section [117.030](#);

- 1           (12) Section 117.032;
- 2           (13) Section 117.051;
- 3           (14) Section 117.052;
- 4           (15) Section 117.053;
- 5           (16) Section 117.054;
- 6           (17) Section 117.055;
- 7           (18) Section 117.056;
- 8           (19) Section 117.0711;
- 9           (20) Section 117.0712; and
- 10          (21) Section 117.072.

11           (f) Notwithstanding Subsection (e) of this section, the  
12 implementation of a provision repealed by that subsection ceases on  
13 the date all functions of the Department of Assistive and  
14 Rehabilitative Services or the Assistive and Rehabilitative  
15 Services Council are transferred to the Health and Human Services  
16 Commission as provided by Subchapter A-1, Chapter 117, Human  
17 Resources Code, as added by this section, or to another entity, to  
18 the extent the department or council is responsible for the  
19 provision's implementation.

20           (g) This section takes effect only if S.B. 200 or H.B. 2578,  
21 84th Legislature, Regular Session, 2015, does not become law.

22           SECTION 5. (a) In this section:

23               (1) "Commission" means the Health and Human Services  
24 Commission.

25               (2) "Committee" means the Health and Human Services  
26 Transition Legislative Oversight Committee established under this  
27 section.

1           (3) "Executive commissioner" means the executive  
2 commissioner of the Health and Human Services Commission.

3           (4) "Function" includes a power, duty, program, or  
4 activity of a state agency or entity.

5           (b) The Health and Human Services Transition Legislative  
6 Oversight Committee is created to facilitate the transfer of  
7 functions to or from the commission as provided by this Act and  
8 other enacted legislation of the 84th Legislature, Regular Session,  
9 2015, that becomes law, requiring such a transfer, with minimal  
10 negative effect on the delivery of services to which those  
11 functions relate.

12          (c) The committee is composed of 11 voting members, as  
13 follows:

14           (1) four members of the senate, appointed by the  
15 lieutenant governor;

16           (2) four members of the house of representatives,  
17 appointed by the speaker of the house of representatives; and

18           (3) three members of the public, appointed by the  
19 governor.

20          (d) The executive commissioner serves as an ex officio,  
21 nonvoting member of the committee.

22          (e) A member of the committee serves at the pleasure of the  
23 appointing official.

24          (f) The lieutenant governor and the speaker of the house of  
25 representatives shall each designate a presiding co-chair from  
26 among their respective appointments.

27          (g) A member of the committee may not receive compensation

1 for serving on the committee but is entitled to reimbursement for  
2 travel expenses incurred by the member while conducting the  
3 business of the committee as provided by the General Appropriations  
4 Act.

5 (h) The committee shall:

6 (1) facilitate the transfer of functions to the  
7 commission prescribed by Subchapter A-1, Chapter 117, Human  
8 Resources Code, as added by this Act, and any other transfers  
9 described by Subsection (b) of this section, with minimal negative  
10 effect on the delivery of services to which those functions relate;

11 (2) with assistance from the commission and the state  
12 agencies and entities from which functions are transferred under  
13 the laws described under Subdivision (1) of this subsection, advise  
14 the executive commissioner concerning:

15 (A) the functions to be transferred and the funds  
16 and obligations that are related to the functions;

17 (B) the transfer of the functions and related  
18 records, property, funds, and obligations by the state agencies and  
19 entities; and

20 (C) any required reorganization of the  
21 commission's administrative structure resulting from the  
22 transfers; and

23 (3) meet at the call of either chair at times  
24 determined appropriate by either chair.

25 (i) Chapter 551, Government Code, applies to the committee.

26 (j) The committee shall submit a report to the governor,  
27 lieutenant governor, speaker of the house of representatives, and



1 legislature not later than December 1 of each even-numbered year.  
2 The report must include an update on the progress of and issues  
3 related to the purposes and duties of the committee.

4 (k) The committee is abolished September 1, 2019.

5 (l) The transfers of functions described by Subsection (b)  
6 of this section must be accomplished in accordance with a  
7 transition plan developed by the executive commissioner that  
8 ensures that the transfers and provision of health and human  
9 services in this state are accomplished in a careful and  
10 deliberative manner. The transition plan must:

11 (1) include an outline of the proposed organization of  
12 the transferred functions in the commission's organizational  
13 structure; and

14 (2) include details regarding movement of functions  
15 and a timeline that specifies the dates on which transfers are to be  
16 made.

17 (m) In developing the transition plan, the executive  
18 commissioner shall, before submitting the plan to the committee,  
19 the governor, and the Legislative Budget Board as required by  
20 Subsection (n) of this section:

21 (1) hold public hearings in various geographic areas  
22 in this state regarding the plan; and

23 (2) solicit and consider input from appropriate  
24 stakeholders.

25 (n) The executive commissioner shall submit the transition  
26 plan to the committee, the governor, and the Legislative Budget  
27 Board not later than March 1, 2016. The committee shall comment on

1 and make recommendations to the executive commissioner regarding  
2 any concerns or adjustments to the transition plan the committee  
3 determines appropriate. The executive commissioner may not  
4 finalize the transition plan until the executive commissioner has  
5 reviewed and considered the comments and recommendations of the  
6 committee regarding the transition plan.

7 (o) The executive commissioner shall publish in the Texas  
8 Register:

9 (1) the transition plan developed under this section;

10 (2) any adjustments to the transition plan recommended  
11 by the committee;

12 (3) a statement regarding whether the executive  
13 commissioner adopted or otherwise incorporated the recommended  
14 adjustments; and

15 (4) if the executive commissioner did not adopt a  
16 recommended adjustment, the justification for not adopting the  
17 adjustment.

18 (p) Not later than October 1, 2015:

19 (1) the lieutenant governor, the speaker of the house  
20 of representatives, and the governor shall make the appointments to  
21 the committee as required by Subsection (c) of this section; and

22 (2) the lieutenant governor and the speaker of the  
23 house of representatives shall each designate a presiding co-chair  
24 of the committee in accordance with Subsection (f) of this section.

25 (q) This section takes effect only if S.B. 200 or H.B. 2578,  
26 84th Legislature, Regular Session, 2015, does not become law.

27 SECTION 6. The following provisions of the Human Resources

1 Code are repealed:

2 (1) Section 91.022, as amended by S.B. No. 219, Acts  
3 of the 84th Legislature, Regular Session, 2015; and

4 (2) Section 117.153, as redesignated and amended by  
5 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015.

6 SECTION 7. The executive commissioner of the Health and  
7 Human Services Commission shall adopt the rules required by Section  
8 117.080(e), Human Resources Code, as added by this Act, as soon as  
9 practicable after the effective date of this Act.

10 SECTION 8. If before implementing any provision of this Act  
11 a state agency determines that a waiver or authorization from a  
12 federal agency is necessary for implementation of that provision,  
13 the agency affected by the provision shall request the waiver or  
14 authorization and may delay implementing that provision until the  
15 waiver or authorization is granted.

16 SECTION 9. Except as otherwise provided by this Act, this  
17 Act takes effect September 1, 2015.

H.B. No. 2463

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2463 was passed by the House on April 9, 2015, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2463 on May 26, 2015, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2463 was passed by the Senate, with amendments, on May 22, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor