

By: Hinojosa

H.B. No. 1564

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of certain support services to persons
3 who are deaf-blind.

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

5 SECTION 1. Section 81.001, Human Resources Code, is amended
6 by adding Subdivision (1) to read as follows:

7 (1) "Commission" means the Health and Human Services
8 Commission.

9 SECTION 2. Chapter 81, Human Resources Code, is amended by
10 adding Section 81.014 to read as follows:

11 Sec. 81.014. SUPPORT SERVICES PROGRAM FOR PERSONS WHO ARE
12 DEAF-BLIND. (a) In this section:

13 (1) "Communication mode" includes communication
14 through:

15 (A) auditory amplification, such as through a
16 personal hearing aid or assistive listening device;

17 (B) American Sign Language or Signed English; and

18 (C) tactile American Sign Language.

19 (2) "Deaf-blind support services" means services
20 provided to a person who is deaf-blind that assist the person with
21 accessing the person's environment and allow the person to make
22 informed decisions. The term includes providing visual and
23 environmental information or sighted guide services and assisting
24 with communication accessibility by communicating in the preferred

1 language and communication mode of the person who is deaf-blind.
2 The term does not include performing any of the following for the
3 person:

4 (A) providing personal care services to the
5 person;

6 (B) completing ordinary errands for the person;

7 (C) making decisions for the person;

8 (D) teaching or otherwise instructing the
9 person; or

10 (E) interpreting for the person in a formal
11 setting, including a medical, legal, or business setting.

12 (3) "Program" means the deaf-blind support services
13 program.

14 (4) "Provider of deaf-blind support services" means a
15 person who is specially trained to provide deaf-blind support
16 services.

17 (b) The commission shall operate a statewide deaf-blind
18 support services program through which:

19 (1) deaf-blind support services are provided by
20 providers of deaf-blind support services; and

21 (2) the commission reimburses the providers for the
22 provision of the services.

23 (c) The executive commissioner by rule shall establish
24 reimbursement rates to be paid to a provider of deaf-blind support
25 services under the program. The reimbursement rates must use a
26 tiered wage scale that is based on the provider's:

27 (1) level of training in communication modes for

1 persons who are deaf-blind and in sighted guide-mobility
2 techniques; and

3 (2) fluency in communication modes for persons who are
4 deaf-blind.

5 (d) The commission shall ensure that quality deaf-blind
6 support services are provided under the program by:

7 (1) monitoring the compliance of providers of
8 deaf-blind support services with program rules;

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

12 (3) providing funding and technical assistance for
13 training programs for:

14 (A) providers of deaf-blind support services
15 under the program; and

16 (B) persons who are deaf-blind to enable those
17 persons to effectively use the services offered under the program.

18 (e) The executive commissioner may establish an advisory
19 committee to advise the commission in developing and operating the
20 program, including operating the program in a manner that ensures
21 the efficient use of state money. Subject to Section 2110.002,
22 Government Code, the executive commissioner shall determine the
23 number of members serving on the advisory committee, which must
24 include persons who are deaf-blind and other stakeholders.

25 (f) The executive commissioner may adopt rules necessary
26 to:

27 (1) operate the program in a manner that is efficient

1 and maximizes the number of persons served; and

2 (2) ensure that providers of deaf-blind support
3 services receiving reimbursement under the program have adequate
4 training to provide those services.

5 SECTION 3. Not later than September 1, 2020:

6 (1) the executive commissioner of the Health and Human
7 Services Commission shall adopt rules necessary to implement
8 Section 81.014, Human Resources Code, as added by this Act; and

9 (2) the commission shall begin operating the program
10 required by that section.

11 SECTION 4. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 15, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1564 by Hinojosa (Relating to the provision of certain support services to persons who are deaf-blind.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1564, As Introduced: a negative impact of (\$12,052,570) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$6,033,117)
2021	(\$6,019,453)
2022	(\$6,022,453)
2023	(\$6,028,453)
2024	(\$6,028,453)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2019
2020	(\$6,033,117)	3.0
2021	(\$6,019,453)	3.0
2022	(\$6,022,453)	3.0
2023	(\$6,028,453)	3.0
2024	(\$6,028,453)	3.0

Fiscal Analysis

The bill would require the Health and Human Services Commission (HHSC) to establish a statewide deaf-blind support services program delivered by trained providers, who are reimbursed by the agency for the services. The services would include providing visual and environmental information or sighted guide services and assisting with communication accessibility.

The bill would direct the executive commissioner to establish reimbursement rates to be paid to providers of deaf-blind support services under the program. The bill would direct a tiered wage scale based on the providers' level of training and fluency in communications for those who are deaf-blind.

The bill would require HHSC to monitor compliance of the program, develop funding sources for the program to reduce reliance on state sources, and provide funding and technical assistance for training programs. The bill would authorize HHSC to establish an advisory committee for the development and operation of the program.

Methodology

The agency would require 3.0 additional FTEs to implement the provisions of the bill to secure funding sources, establish program specifications, and provide technical assistance. If the agency were to establish an advisory committee, it is estimated that additional staff time would be required to manage and coordinate activities. The bill would also require the agency to provide trainings and monitor the performance of service providers. According to HHSC, the estimated total All Funds net cost for the program and support, including salaries, overhead costs, travel, and basic consumable supplies, technology costs, and benefits, is estimated to be \$434,947 in fiscal year 2020, and \$416,283 in fiscal year 2021.

The bill would require the agency to establish reimbursement rates to support the program for an unknown number of clients. HHSC estimated the total All Funds cost for client services as \$5,598,170 in fiscal year 2020 and \$5,603,170 in fiscal year 2021.

In order to estimate the cost of client services, the agency assumed: (1) Ten percent of those needing services would be at the Tier 1 level, 20.0 percent at the Tier 2 level, 60.0 percent at the Tier 3 level, and ten percent at the Tier 4 level; (2) On average a Support Service Provider (SSP) would drive about 50 miles a month for every 15 hours of services a month per person; (3) Persons at the Tier 3 and 4 levels would need the full service level, whereas a person at the Tier 2 level would need 50.0 percent, and a person at the Tier 1 level would need 34.0 percent; (4) Based on previous findings for SSP services, participants received on average 15 hours of service a month. Consequently, the estimate for client services was established on a formula that could be modified by the number of people served and the number of hours of service.

Technology

FTE-related technology costs would include PC and telecommunications services and basic data storage. The total technology net cost is estimated to be \$17,910 in fiscal year 2020 and \$14,901 in fiscal year 2021 through fiscal year 2024.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: WP, AKi, JQ, CSt, BH