

## **BILL ANALYSIS**

C.S.H.B. 2463  
By: Raymond  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Legislature created the Department of Assistive and Rehabilitative Services (DARS) in 2003 to work with Texans with disabilities to improve the quality of their lives and to enable their full participation in society. To achieve its mission, DARS focuses on providing time-limited services through a variety of state- and federally funded programs. As a result of its review of DARS, the Sunset Advisory Commission recommended several statutory modifications that are contained in C.S.H.B. 2463.

DARS is subject to abolishment under the Sunset Act on September 1, 2015, unless continued by the Legislature. The Sunset Commission did not recommend continuing DARS, but instead recommended consolidating the agency with the other health and human services agencies in a functional approach under the Health and Human Services Commission (HHSC), as provided in separate legislation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

### **ANALYSIS**

*Continues the Department of Assistive and Rehabilitative Services (DARS), unless its functions are transferred to HHSC*

C.S.H.B. 2463 continues DARS for 12 years, until September 1, 2027, but only if other legislation providing for the transfer of DARS functions to HHSC is not enacted and does not become law. If such legislation is enacted and becomes law, DARS is abolished on September 1, 2015.

*Integrates independent living services*

C.S.H.B. 2463 requires DARS to integrate its independent living programs for people who are blind or visually impaired and for people with significant disabilities into a single independent living program by September 1, 2016. The bill requires the executive commissioner of HHSC to adopt any rules necessary to facilitate the integration, including rules directing DARS to comply with federal requirements as the single designated state entity for administering Texas' independent living program. This section of the bill expires September 1, 2017.

***Defines DARS role in the provision of independent living services***

C.S.H.B. 2463 requires DARS to ensure that all services provided under the independent living services program are directly provided by centers for independent living (CILs) and are not directly provided by the agency. If an area of the state does not have a CIL, or no CIL in that area is able to provide certain necessary services, the bill requires DARS to seek to identify a CIL that is willing and able to contract with an organization or other person to provide services in the area. If no CIL is willing and able to contract with another organization or person, the bill authorizes DARS to directly contract with an organization or other person that is not a CIL to provide services in the area. The bill requires DARS to evaluate the services provided by a CIL and to provide necessary training or technical assistance to help the CIL expand its capacity to provide a full range of services. The bill requires DARS to monitor the performance of each CIL in providing services, including how the CIL monitors the performance of any subcontractors.

C.S.H.B. 2463 requires the executive commissioner of HHSC to adopt rules to implement these changes including: an equitable and transparent methodology for allocating funds to CILs; requirements for DARS in contracting with CILs; requirements for CILs in contracting with subcontractors; requirements for DARS in contracting with organizations or other persons that are not CILs; a process for DARS to monitor independent living services contracts; guidelines on the DARS role in providing technical assistance and training to CILs; and expectations for DARS employees to refer persons who contact the agency seeking independent living services to CILs. The bill requires DARS to ensure that independent living services are provided as required by the bill not later than August 31, 2016. The bill requires the executive commissioner of HHSC to adopt these rules as soon as practicable after the effective date of the bill.

***Requires clear, validated guidelines for caseworkers***

C.S.H.B. 2463 requires DARS to use data and best practices to establish and maintain guidelines that provide direction for caseworkers' decisions in all of the agency's direct services programs. The guidelines must categorize cases based on the types of services provided and include provisions addressing the recommended length of time a case should last and the recommended total expenditures for a case in each category. The guidelines must include provisions for creating intermediate goals for clients that allow a caseworker to monitor the client's progress and allow the caseworker's supervisor to evaluate how the client's case is advancing. The guidelines must include criteria for caseworkers to use in evaluating progress on the intermediate goals. The guidelines may also include other provisions designed to assist caseworkers and their supervisors to achieve successful outcomes for clients. The bill authorizes caseworkers to exceed the recommended guidelines if they obtain supervisor approval after documenting the need to exceed the guidelines. The bill establishes that the guidelines are not intended to limit the provision of appropriate or necessary services to a client. The bill requires DARS to provide the guidelines to caseworkers in a format that allows them to easily access the information.

***Requires a robust and consistent case review system***

C.S.H.B. 2463 requires DARS to establish and maintain a single, uniform case review system for all direct services programs. The case review system must include risk assessment tools. The case review system must require that case reviews be used to consistently evaluate each program across all regions; focus on areas of highest risk and prioritize the review of cases that have lasted more than a certain amount of time and that are significantly outside expenditure guidelines; be used to evaluate certain caseworker decisions; and focus on the quality of a caseworker's decision-making and compliance with program requirements. The case review system must also require a supervisor to use the case reviews in evaluating and providing guidance to improve a caseworker's performance.

***Requires DARS to designate staff to monitor program performance***

C.S.H.B. 2463 requires DARS to designate staff, outside of the direct services programs, to monitor those programs from a statewide perspective. The bill requires these staff to collect, monitor, and analyze data relating to the programs and report outcomes and trends to program managers and, as necessary, the commissioner or other appropriate executive management. The bill requires the monitoring function to include monitoring of performance data from all regions and all direct services programs to identify trends and of case review data to ensure compliance with the case review system established by this bill. The bill requires these monitoring staff to work with direct services program staff to develop objective and detailed outcome measures for the programs. The bill authorizes DARS to conduct internal peer reviews of its field offices at regular intervals to assess their compliance with federal regulations and agency policies and to compare each field office's compliance with that of the other field offices.

***Establishes two existing programs in statute***

C.S.H.B. 2463 requires DARS to operate a comprehensive rehabilitation services program to provide services to people with traumatic brain or spinal cord injuries. The bill authorizes the executive commissioner of HHSC to adopt rules for the program that include: a system of organization for the delivery of services; eligibility requirements for the services; the types of services that may be provided; and requirements for client participation in the costs of services.

C.S.H.B. 2463 requires DARS to operate a children's autism program to provide services to children with autism spectrum disorders. The bill authorizes the executive commissioner of HHSC to adopt rules for the program that include: a system of organization for the delivery of services; eligibility requirements for the services; the types of services that may be provided; and requirements for client participation in the costs of services.

***Repealers***

C.S.H.B. 2463 repeals Sections 91.022 and 111.071, Human Resources Code, which require DARS to provide guidance to caseworkers and monitor their delivery of services.

**EFFECTIVE DATE**

Except as otherwise provided, September 1, 2015.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2463 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

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).

**No equivalent provision.**

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Same as introduced version.

SECTION 2. (a) Section 117.003, Human Resources Code, is amended to read as follows:

Sec. 117.003. SUNSET PROVISION. The Department of Assistive and Rehabilitative Services is subject to Chapter 325, Government Code (Texas

Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [~~2015~~].

(b) This section takes effect only if H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, providing for the transfer of the functions of the Department of Assistive and Rehabilitative Services to the Health and Human Services Commission is not enacted or does not become law. If H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, is enacted, becomes law, and provides for the transfer of the department's functions to the commission, this section has no effect.

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

SECTION 3. Chapter 117, Human Resources Code, is amended by adding Subchapter E.

SECTION 4. Sections 91.022 and 111.071, Human Resources Code, are repealed.

SECTION 5. The executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 117.080(e), Human Resources Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 6. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 7. This Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.