

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1503
By: Gray (Harris)
Human Services
4/15/1999
Committee Report (Substituted)

DIGEST

Currently, the Interagency Council on Early Childhood Intervention (council) is responsible for the administration, supervision, and monitoring of a statewide comprehensive system to ensure that all children in this state who are under three years of age and have, or are at-risk of having, a developmental delay, receive needed services. The council is subject to the Texas Sunset Act and will be abolished on September 1, 1999, unless continued by the legislature. This bill would provide for the review of the Interagency Council on Early Childhood Intervention under the Texas Sunset Act and make statutory modifications recommended by the Sunset Advisory Commission.

PURPOSE

As proposed, C.S.H.B. 1503 provides for the review of the Interagency Council on Early Childhood Intervention under the Texas Sunset Act and makes statutory modifications recommended by the Sunset Advisory Commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 73.002(e) and (i), Human Resources Code, to require the governor to designate a member of the board of the Interagency Council on Early Childhood Intervention (board) as the presiding officer to serve at the will of the governor. Requires the members of the board to select one member to serve as assistant presiding officer, who serves a term of two years. Requires the board to develop and implement policies that allow for public comment on any issue within the jurisdiction of the board. Deletes text requiring members of the board to elect one member as presiding officer who serves a two-year term. Deletes a provision regarding a method to respond to complaints.

SECTION 2. Amends Section 73.0021(b), Human Resources Code, to provide that a person is not eligible for appointment to the board if the person violates a prohibition established by Section 73.0024. Deletes text regarding registered lobbyists.

SECTION 3. Amends Section 73.0022(a), Human Resources Code, to make a conforming change.

SECTION 4. Amends Chapter 73, Human Resources Code, by adding Sections 73.0023, 73.0024, and 73.0025, as follows:

Sec. 73.0023. BOARD MEMBER TRAINING. Prohibits a person appointed to the board from participating as a member in attendance at a meeting of the board, without completion of a training program that complies with this section. Requires the training program to provide a person with certain information regarding legislation created by, programs operated by, and other relevant characteristics of the Interagency Council on Early Childhood Intervention (council). Entitles a person to reimbursement for travel expenses incurred in attending the training program.

Sec. 73.0024. RESTRICTIONS ON BOARD MEMBERS AND EMPLOYEES. Defines "Texas trade association." Prohibits a an officer, employee, or paid consultant, of a Texas trade association, or the spouse of an officer, employee, or paid consultant from being a member of the board or being a council employee employed in a "bona fide executive, administrative, or professional capacity." Prohibits a registered lobbyist from membership into the board or acting

as general council to the board.

Sec. 73.0025. COMPLAINT PROCESS. Requires the board to develop a method for responding to complaints regarding services provided by the council. Requires the council to maintain a file, which must contain certain information regarding a complaint, on each written complaint filed with the council. Requires the council to provide all parties involved in a complaint a copy of the council's policies and procedures relating to complaint investigation and resolution. Requires the council to notify each party involved in a complaint of the status of the investigation, at least quarterly, unless the notice would jeopardize an undercover investigation.

SECTION 5. Amends Section 73.0051, Human Resources Code, by amending Subsections (d), (f), and (i) and adding Subsection (k), to require the council to periodically monitor program activities and fiscal performance of entities funded under this chapter to assess the performance of the entities in identifying children under three years of age with developmental delay in populations at risk of developmental delay. Requires the council to develop and implement, jointly with the Department of Protective and Regulatory Services, policies applicable to providers of services authorized under this chapter in situations involving service recipients who are vulnerable to abuse or neglect. Requires the council to ensure that a child's parents continue to be included in all decisions relating to the services provided to the child, including the determination of the most appropriate setting for the child to receive services, after establishing an initial and ongoing treatment plan. Requires the council to ensure that a child's parents receive written notification of the progress of the treatment plan, which is required to include details to assist parents in meeting the child's treatment goals. Requires the council to cooperate with the Health and Human Services Commission (HHSC) to select an appropriate automated system or systems currently used to plan, manage, and maintain records of client services. Authorizes the council to use the automated system or systems to carry out other appropriate functions, if cost effective. Makes conforming changes.

SECTION 6. Amends Section 73.0052, Human Resources Code, by amending Subsection (a) and adding Subsection (h), to require the board to develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the council. Makes conforming changes.

SECTION 7. Amends Section 73.008, Human Resources Code, to require the council to develop and implement a statewide strategy for improving the early identification of children under three years of age with developmental delay in populations at risk of developmental delay, through targeting at-risk populations and appropriate geographical regions, and monitoring the performance of providers of services used in identifying those children, and coordinating policy issues that affect children with developmental delay who are over the age of three. Requires the strategy plan to provide active leadership in addressing issues affecting the effectiveness of services for children with developmental delay.

SECTION 8. Amends Chapter 73, Human Resources Code, by adding Section 73.011, as follows:

Sec. 73.011. PROVIDER SELECTION. Requires the council to select providers of services authorized under this chapter on a best value basis that maximizes funding and promotes competition when possible. Requires the council to consider certain characteristics regarding a provider and the provider's services, in determining whether a provider will provide the best value to the council.

SECTION 9. Amends Section 73.022(a), Human Resources Code, to require the council to seek funding in a manner that maximizes the total amount of money available from federal, private, and local sources for programs funded under this chapter, and to apply for, receive, administer, and spend federal and state funds for Subchapter III, rather than VIII, Individuals with Disabilities Education Act (20 U.S.C. Section 1431, rather than Section 1471, et seq.). Makes conforming changes.

SECTION 10. Amends Section 73.023, Human Resources Code, to provide that the council is subject to Chapter 325 (Texas Sunset Act) and is abolished on September 1, 2011, rather than 1999, unless continued in existence as provided by that chapter.

SECTION 11. Requires the council to review the council's delivery system of services for children with developmental delay and make recommendations, required to include certain provisions, for improving service delivery. Requires the council to submit to the governor and the legislature a report on the review and recommendations required by this section, not later than December 1, 2000.

SECTION 12. Requires HHSC and the council to review the system by which the council funds programs under this chapter and make recommendations for maximizing money available from certain sources. Requires HHSC and the council to submit a report to the governor and the legislature regarding the review and recommendations required by this section.

SECTION 13. Requires the council to develop a plan and an implementation schedule relating to the use of the appropriate system or systems required under Section 73.0051(k), Human Resources Code, and submit a report on the implementation plan and schedule to HHSC, the legislature, and any legislative oversight committee with jurisdiction over the council, not later than March 1, 2000.

SECTION 14. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 15. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 5.

Amends Section 73.0051, Human Resources Code, to require the council to ensure that a child's parents continue to be included in decisions relating to the determination of the most appropriate setting for the child to receive services, after establishing an initial and ongoing treatment plan. Requires the council to cooperate with HHSC to select an appropriate automated system or systems currently used to plan, manage, and maintain records of client services. Makes a conforming change.

SECTION 13.

Requires the council to develop a plan and implementation schedule relating to the use of the appropriate system or system required under Section 73.0051(k), Human Resources Code, and submit a report on the implementation plan and schedule to HHSC, the legislature, and any legislative oversight committee with jurisdiction over the council, not later than March 1, 2000.