

BILL ANALYSIS

Senate Research Center
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H.B. 1322
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

H.B. 1322 restructures the operating procedures in current Texas law relating to the functions of the Texas Commission for the Deaf and Hard of Hearing.

RULEMAKING AUTHORITY

Rulemaking is expressly granted to the Texas Commission for the Deaf and Hard of Hearing in SECTION 3 (Section 81.007(g), Human Resources Code).

Requires the Texas Commission for the Deaf and Hard of Hearing to develop rules and guidelines for the use of funds collected from the sale of specialized license plates under Sections 502.2722 and 502.2735, Transportation Code, and appropriated to the commission in accordance with that section for direct services programs, training, and education in SECTIONS 11 and 12 (Section 81.021, Human Resources Code).

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 81.001, Human Resources Code, by adding Subdivision (4) to define “deaf-blind.”

SECTION 2. Amends Sections 81.006(a) and (b), Human Resources Code, as follows:

(a) Adds “deaf-blind” to the list of individuals included in Subdivision (a)(1).

(a)(4) Requires the Texas Commission for the Deaf and Hard of Hearing (TCDHH) to maintain a registry of available qualified interpreters.

Deletes Subdivision (a)(6) and renumbers subsequent subdivisions accordingly.

(a)(7) Requires TCDHH, with the assistance of the Texas Higher Education Coordinating Board, to develop standards for evaluation of the programs described by Subdivision (6).

(a)(8) Requires TCDHH to develop guidelines to clarify the circumstances under which interpreters certified by TCDHH are qualified to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

(b) Authorizes TCDHH to perform certain tasks.

SECTION 3. Amends Sections 81.007(a), (b), (d), (e), (f), (g), and (i), Human Resources Code, as follows:

(a) Authorizes TCDHH to establish a program to facilitate communication between persons, rather than communicate with individuals, who are deaf or hard of hearing and persons who are not deaf or hard of hearing.

(b) Requires TCDHH to appoint an advisory board to assist in administering the interpreter certification program. Prohibits a board member from receiving compensation, but provides that a member is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the board, as provided by the General Appropriations Act.

(d) Authorizes a qualified board member to serve as an evaluator under Subsection (c), and requires TCDHH to compensate the board member for services performed as an evaluator. Deletes existing text.

(e) Requires TCDHH to charge fees for written and performance examinations, rather than an application for certification, for annual certificate renewal, rather than the administration of an examination, and for recertification, rather than the renewal of a certificate.

(f) Deletes current text relating to a certificate issued by another jurisdiction.

(g) Authorizes TCDHH by rule to adopt a system under which certificates are valid for a five-year period, subject to the certificate holder's payment of an annual certificate renewal fee. Requires an interpreter, after expiration of the five-year period, to be recertified by TCDHH. Authorizes TCDHH to recertify an interpreter who meets certain criteria.

SECTION 4. Amends Section 81.0072, Human Resources Code, to authorize, rather than require, TCDHH, based on the recommendation of the Board for Evaluation of Interpreters, to revoke or suspend a certificate or place a certificate holder on probation for violation of a statute, rule, or policy of TCDHH. Authorizes TCDHH, if a certificate holder is placed on probation, rather than suspension is probated, to require the practitioner to perform certain tasks.

(b) Provides that the certificate holder, if TCDHH proposes to suspend or revoke a certificate or place a certificate holder on probation, is entitled to a hearing. Requires all final decisions to suspend or revoke a certificate or place a certificate holder on probation to be made by TCDHH.

SECTION 5. Amends Section 81.013, Human Resources Code, as follows:

Sec. 81.013. New heading: PRIVATE OUTDOOR TRAINING PROGRAMS FOR CHILDREN WHO ARE DEAF OR HARD OF HEARING. (a) Authorizes TCDHH to contract with private entities to provide for the participation, rather than attendance, of children, rather than students, who are deaf or hard of hearing at outdoor recreational programs operated for the purpose of providing skill training and recreational experiences for children who are deaf or hard of hearing. Authorizes outdoor training programs under this section to also provide for participation by the parents of children who are deaf or hard of hearing.

(b) Requires TCDHH, in selecting children, rather than students, to attend programs under this section, to select qualified children from across the state that TCDHH thinks will benefit from the program.

(c) Authorizes TCDHH to request criminal history record information on any person who applies for a staff position in an outdoor training program from the Department of Public Safety in accordance with Section 411.1131, Government Code.

SECTION 6. Amends Section 81.014(b), Human Resources Code, to make a nonsubstantive change.

SECTION 7. Amends Section 81.015, Human Resources Code, by adding Subsection (c), as follows:

(c) Authorizes TCDHH to advertise to promote awareness and use of the programs, services, and activities it conducts. Prohibits TCDHH from using money derived from state tax revenue to pay for advertisements under this subsection.

SECTION 8. Amends Sections 81.016(a) and (d), Human Resources Code, are amended to read as follows:

(a) Adds “funding” to existing text relating to grant funding.

(d) Requires TCDHH to develop a formula, based on population and region, to allocate those funds among the agencies, organizations, or individuals that are awarded the contracts or grants, to ensure an equitable distribution of contract or grant funds.

SECTION 9. Amends Section 81.017(a), Human Resources Code, to require TCDHH and any other state agency that provides or is required by law to provide services to persons who are deaf or hard of hearing to adopt a memorandum of understanding to coordinate the delivery of services to persons who are deaf or hard of hearing and to reduce duplication of services.

SECTION 10. Amends Section 81.019, Human Resources Code, as follows:

Sec. 81.019. New heading: **SYMBOLS OR OTHER FORMS OF IDENTIFICATION FOR HEARING IMPAIRED PERSONS.** (a) Requires TCDHH to design and provide for the issuance of a symbol or other form of identification, rather than device, that may be attached to a motor vehicle regularly operated by a person who is deaf or hard of hearing.

(b)-(c) Make conforming changes.

SECTION 11. Provides that if the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes takes effect, Chapter 81, Human Resources Code, is amended by adding Section 81.021 to read as follows:

Sec. 81.021. **SPECIALIZED LICENSE PLATE PROGRAM.** Requires TCDHH to develop rules and guidelines for the use of funds collected from the sale of specialized license plates under Section 502.2722, Transportation Code, and appropriated to TCDHH in accordance with that section for direct services programs, training, and education.

SECTION 12. Provides that if the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes does not take effect, Chapter 81, Human Resources Code, is amended by adding Section 81.021 to read as follows:

Sec. 81.021. **SPECIALIZED LICENSE PLATE PROGRAM.** Requires TCDHH to develop rules and guidelines for the use of funds collected from the sale of specialized licence plates under Section 502.2735, Transportation Code, as added by Chapter 621, Acts of the 77th Legislature, Regular Session, 2001, and appropriated to the commission in accordance with that section for direct services programs, training, and education.

SECTION 13. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1131, as follows:

Sec. 411.1131. **ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION FOR THE DEAF AND HARD OF HEARING.** (a) Provides that TCDHH is entitled to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing conducted by a private entity through a contract with TCDHH in accordance with Section 81.013, Human Resources Code.

(b) Authorizes criminal history record information obtained by TCDHH under Subsection (a) to be used only to evaluate an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing. Authorizes TCDHH to release or disclose the information to a private entity described by Subsection (a) for that purpose.

(c) Prohibits TCDHH from releasing or disclose information obtained under Subsection (a) except on court order and requires TCDHH to destroy all criminal history record information obtained under Subsection (a) after the information is used for its authorized purpose.

SECTION 14. Repealer: Sections 81.006(c) and 81.0071(b), Human Resources Code.

SECTION 15. Effective date: upon passage or September 1, 2003.