

BILL ANALYSIS

Senate Research Center
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S.B. 1587
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A report that surveyed several Children's Health Insurance Plan (CHIP) and Medicaid families in April and May of 2006 found that Spanish-speaking families were less likely to renew coverage than English-speaking families. Almost two-thirds of those children who drop out of CHIP will likely fail to obtain any other health insurance coverage. The report suggested that Spanish-speaking families face many barriers to obtaining health care and food stamp services.

Poor quality service to Spanish-speakers and language barriers prevent and discourage these individuals from receiving such services. It has been reported that the average Spanish-speaking caller had to wait over three times as long as an English speaker to speak to a representative about CHIP or other state services. Many of the Spanish-language documents used by state agencies providing these services are confusing and contain misspelled words, errors, and inconsistencies.

As proposed, S.B. 1587 requires a contract made with the Health and Human Services Commission or a health and human services agency that involves oral or written communication with individuals to provide that such communication be provided in both English and Spanish.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 531, Government Code, by adding Section 531.019, as follows:

Sec. 531.019. COMMUNICATION IN ENGLISH AND SPANISH BY CONTRACTOR. (a) Requires each contract with the Health and Human Services Commission (HHSC) or a health and human services agency (agency) that will involve written or oral communication with the public by the contractor to include a provision requiring the contractor to provide the communication in English to persons who are fluent in English and in Spanish to persons who are fluent in Spanish but not English. Requires each person who seeks to enter into such a contract to include in the bid or other expression of interest for the contract a proposal for providing the communication in a way that, under the circumstances of the contract, will best fulfill the language requirement.

(b) Requires HHSC or an agency, as applicable, in determining which bid or other expression of interest offers the best value, to evaluate the extent to which the proposal for providing communications in English and in Spanish will provide meaningful access to the services provided by or through the contractor for persons who are fluent in English and for persons who are fluent in Spanish but not English.

(c) Requires an agency to consider certain factors set forth in this subsection in determining the extent to which a proposal will provide meaningful access under Subsection (b).

(d) Requires an agency to avoid selecting a contractor that the agency reasonably believes will provide information in Spanish that is limited in scope, unreasonably delay the provision of information in Spanish, or provide program information, including forms, notices, and correspondence, in English only.

SECTION 2. (a) Defines “commission” and “health and human services agencies.”

(b) Provides that the changes in law made by this Act to the contracting procedures of HHSC and agencies apply only to a contract for which HHSC or an agency first advertises or otherwise solicits bids, proposals, offers, or qualifications, as applicable, on or after September 1, 2007.

(c) Makes application of this Act prospective

SECTION 3. Effective date: September 1, 2007.