

BILL ANALYSIS

Senate Research Center

S.B. 37
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The deaf-blind multiple disabilities (DBMD) waiver is a full-service program that serves only persons 18 years of age and older. The intervener service is one of the most valuable benefits, but is often provided too late for optimal learning. Deaf-blind children cannot learn using typical pedagogical methods. They do not learn by observing the world around them due to the lack of access to stimuli provided by sight and sound. Deaf-blind persons only respond to stimuli that is provided directly and purposefully.

Current services available to children who are both deaf and blind do not provide services that address sufficiently their specific needs. The prime time for learning is at a young age and early intervention is crucial. A skilled intervener in the home enhances a child's ability to communicate and comprehend experiences in his or her environment. Parents are often overwhelmed with their child's other medical needs and have little time or resources to learn communication techniques specific to their child. An intervener not only would provide that link between the deaf-blind child and the seeing-hearing world, but would provide support and training to the parents as well.

The school age child would have a bridge between the intervener at home and the intervener at school. Any gaps between a child's school curriculum and the home setting would be filled by a specific communication system designed for that child. The communication techniques and routines must be consistent between home life and school life for the child to optimize success.

S.B. 37 amends current law relating to providing home-based and community-based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.076, as follows:

Sec. 161.076. ELIGIBILITY FOR DEAF-BLIND WITH MULTIPLE DISABILITIES WAIVER PROGRAM. (a) Requires the Department of Aging and Disability Services (DADS), subject to the availability of funds appropriated for that purpose, to provide home-based and community-based services under the deaf-blind with multiple disabilities waiver program, regardless of age, if the person applies for and is eligible to receive services under the waiver program.

(b) Provides that Subsection (a) does not prevent DADS from establishing an age requirement with respect to other programs or services offered, to persons who are deaf-blind and have multiple disabilities, including the summer outdoor training program for deaf-blind multi-handicapped individuals established under Section 22.036(c) (relating to the establishment of a summer outdoor training program).

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to apply for and actively pursue an amendment or other authorization necessary to implement changes to the waiver program as added by this Act, with respect to persons who are younger than 18 years of age. Authorizes DADS to delay implementation until any necessary federal waivers or authorizations are granted.

SECTION 3. Requires the executive commissioner to adopt rules to implement this section, as soon as possible after obtaining the amendment or other authorization required by SECTION 2 of this Act.

SECTION 4. Provides that this Act does not make an appropriation. Provides that a provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 5. Effective date: upon passage or September 1, 2009.