

BILL ANALYSIS

Senate Research Center
83R7201 AED-F

H.B. 1760
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Aging and Disability Services (DADS) is the result of the consolidation of several legacy agencies. Prior to consolidation, each legacy agency had a unique policy defined in statute that allowed each agency to accept donations of money, goods, and in-kind donations for the benefit of the agency's clients. Because there is no single statute that gives DADS, in its current form, the authority to accept donations, H.B. 1760 seeks to create a uniform and consistent donation policy for DADS.

H.B. 1760 amends current law relating to the provision of services to certain individuals with developmental disabilities by a state supported living center.

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 Section 161.080, Human Resources Code, as follows:

Sec. 161.080. CONTRACTS FOR SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES. (a) Authorizes a person that provides services to individuals with developmental disabilities to contract with a state supported living center for the center to provide services and resources to support those individuals, rather than authorizes a person that provides disability services to contract with a state school or state center for the school or center to provide services and resources to support individuals with developmental disabilities, including individuals with dual diagnosis disorders.

(b) Authorizes a state supported living center, notwithstanding any other law, to provide nonresidential services to support an individual if the individual is receiving services in a program funded by the Department of Aging and Disability Services (DADS), meets the eligibility criteria for the intermediate care facility for persons with intellectual disabilities program, and resides in the area in which the state supported living center is located; and the provision of services to the individual does not interfere with the provision of services to a resident of the state supported living center. Deletes existing text authorizing a state school or state center to provide nonresidential services to support an individual if the individual is receiving services in a program funded by DADS, meets the eligibility criteria for the intermediate care facility for persons with mental retardation program, and resides in the area in which the state school or state center is located; and the provision of services to the individual does not interfere with the provision of services to a resident of the state school or state center.

SECTION 2. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.087, as follows:

Sec. 161.087. GIFTS AND GRANTS. (a) Authorizes DADS to accept gifts and grants of money, personal property, and real property from public or private sources to expand

and improve the human services programs for the aging and disabled available in this state.

(b) Requires DADS to use a gift or grant of money, personal property, or real property made for a specific purpose in accordance with the purpose expressly prescribed by the donor. Authorizes DADS to decline the gift or grant if DADS determines that it cannot be economically used for that purpose.

(c) Requires DADS to keep a record of each gift or grant in DADS's central office in the city of Austin.

SECTION 3. Repealer: Section 22.001(f) (relating to authorizing the Texas Department of Human Services (TDHS) to solicit and accept gifts, grants, and donations of money or property from public or private sources for use in assisting needy persons or otherwise carrying out any of the TDHS's functions), Human Resources Code.

Repealer: Section 101.026 (Donations), Human Resources Code.

SECTION 4. Effective date: upon passage or September 1, 2013.