

BILL ANALYSIS

Senate Research Center

H.B. 729
By: Rose; Sherman, Sr. (West)
Health & Human Services
5/12/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Persons with an intellectual or developmental disability (IDD) may have problems with major life activities, thus requiring these individuals to be fully dependent on other adults for basic care.

More than 50 years ago, the legislature created the structure now known as the local intellectual and developmental disability authority (LIDDA). Subsequently, community centers were created to provide community-based services and address the needs of persons returning to their communities from state-supported living centers.

While the state provides services for persons living with an IDD, a coordinated body responsible for sharing new research, resources, and best practices in regards to quality of care is needed at the state level. H.B. 729 establishes a council to ensure a strategic statewide approach to IDD services.

For a person with an intellectual or developmental disability—or their family—navigating the services offered by the state for persons with intellectual and developmental disabilities is exceedingly challenging. From navigating the complex nature of Medicaid waiver programs, to understanding long-term care issues, little is simple for those with IDDs and their families. A statewide IDD coordinating council would ensure that persons with IDDs and their families are served in a strategic, holistic manner to help those persons and their families understand all services available.

H.B. 729 amends current law relating to the statewide intellectual and developmental disability coordinating council.

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 Chapter 531, Government Code, by adding Subchapter M-2, as follows:

SUBCHAPTER M-2. STATEWIDE INTELLECTUAL AND DEVELOPMENTAL DISABILITY COORDINATING COUNCIL

Sec. 531.491. DEFINITION. Defines "council."

Sec. 531.492. PURPOSE. Provides that the statewide intellectual and developmental disability coordinating council (council) is established to ensure this state develops a strategic approach for the provision of intellectual and developmental disability services in this state.

Sec. 531.493. COMPOSITION OF COUNCIL. (a) Provides that the council is composed of certain members.

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to determine the number of representatives that each entity is authorized to designate under Subsection (a)(1) (relating to the representation of certain entities on the council) to serve on the council.

(c) Authorizes the council to authorize another state agency or institution that provides specific intellectual and developmental disability services with the use of money appropriated by this state to designate a representative to the council.

(d) Provides that a council member serves at the pleasure of the designating entity.

(e) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the composition of the council.

Sec. 531.494. PRESIDING OFFICER; TERMS; VACANCY. (a) Requires the executive commissioner to designate a member of the council to serve as the presiding officer.

(b) Provides that council members serve three-year terms.

(c) Requires the appropriate authority to fill a vacancy on the council in the same manner as the original designation or appointment.

(d) Provides that a council member designated or appointed to fill a vacancy holds the office for the unexpired portion of the term.

Sec. 531.495. MEETINGS. Requires the council to meet at least once quarterly or more frequently at the call of the presiding officer.

Sec. 531.496. DUTIES. Provides that the council:

(1) is required, in accordance with Section 531.497, to:

(A) develop a recurring five-year statewide intellectual and developmental disability strategic plan (strategic plan) and monitor the implementation of the plan;

(B) submit the strategic plan to the executive commissioner and the administrative head of each agency subject to the plan;

(2) is required to develop and, not later than November 1 of each even-numbered year, submit to the legislature a biennial coordinated statewide intellectual and developmental disability expenditure proposal;

(3) is required to publish annually an updated inventory of state-funded intellectual and developmental disability programs and services that includes:

(A) a description of the manner in which those programs and services further the purpose of the statewide intellectual and developmental disability strategic plan; and

(B) an estimate of the number of individuals waiting for or interested in receiving those programs and services; and

(4) is authorized to facilitate opportunities to increase collaboration for the effective expenditure of available federal and state funds for intellectual and developmental disability services in this state.

Sec. 531.497. RECURRING FIVE-YEAR STRATEGIC PLAN AND RELATED IMPLEMENTATION PLANS. (a) Requires the council, not later than March 1 of the last state fiscal year in each five-year period covered by the most recent strategic plan required under Section 531.496(1), to:

(1) develop a new strategic plan for the next five state fiscal years that begins with the following fiscal year; and

(2) submit the new strategic plan to the executive commissioner and the administrative head of each agency subject to the strategic plan.

(b) Requires the executive commissioner and the administrative head of each agency that is subject to the strategic plan, not later than the 90th day after receiving the strategic plan, to develop and submit to the governor, the lieutenant governor, and the legislature a plan for implementing the recommendations applicable to the agency under the strategic plan. Requires that an implementation plan include a justification for any recommendation the Health and Human Services Commission (HHSC) or other agency declines to implement.

Sec. 531.498. APPLICATION OF SUNSET ACT. Provides that the council is subject to Chapter 325 (Sunset Law). Requires the council to be reviewed during the period in which HHSC is reviewed under Section 531.004 (Sunset Provision). Provides that the council, unless continued in existence as provided by Chapter 325, is abolished and this subchapter expires on the date on which HHSC is subject to abolishment under that section.

SECTION 2. (a) Requires the appropriate authorities, not later than January 31, 2024, to designate or appoint, as applicable, members to the council as required by Section 531.493(a), Government Code, as added by this Act.

(b) Requires the council, not later than March 1, 2024, to hold the council's initial meeting.

(c) Requires the council, not later than March 1, 2025, to prepare the initial strategic plan required by Section 531.496(1), Government Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2023.