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TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON HUMAN SERVICES

Weekly Newsletter
March 26, 2013 Hearing

Bills Considered by Chairman Raymond's Committee

HB 2383: Eligibility for Medical Assistance

Author: Rep. Craig Eiland

Currently, some applicants for Medicaid who have a life insurance policy must surrender the policy for an amount far below its actual value in order to be eligible for benefits, at which point the state begins to pay Medicaid expenses for the person. A better option for the individual and the state would be a life settlement contract in which the policy is sold to a third party for more than its cash surrender value but less than its net death benefit, allowing a consumer to use the policy to help pay for long-term care expenses and delay the consumer's reliance on the Medicaid program.

Life settlement contracts, which currently are regulated by the Texas Department of Insurance, would generate significant, recurring Medicaid savings to the state if the state were able to advise owners of a life insurance policy of the option to convert policies into a long-term care benefit plan instead of abandoning the plan and relying on state assistance. HB 2383 seeks to establish provisions relating to the use of a life settlement contract for the provision of certain long-term care services.



HB 817: Emergency Care for Unaccompanied Minors

Author: Rep. Dawnna Dukes



Over the past few legislative sessions, changes have been made to the laws governing emergency shelters to allow these shelters to provide care not just to minor mothers but to certain minors in need of this life-saving service, regardless of whether the minor has a child. These changes provided minors in abusive or otherwise dangerous situations a way to get help and get safe.

There is concern that the outdated language used in current provisions of law regulating the licensing of these facilities by the Department of Family and Protective Services has created confusion. HB 817 seeks to clarify this language so that an emergency shelter can provide access to shelter or care for unaccompanied minors without full licensure from the Department of Family and Protective Services.

HB 2673: Protection and Care of Individuals with Developmental Disabilities

Author: Rep. Four Price

Current law requires the state to contract with a patient safety organization certified in accordance with certain federal regulations to conduct independent mortality reviews for certain persons with intellectual or developmental disabilities. While the law requires such a review for the death of a person with an intellectual disability who, at the time of the person's death, was in or received services from an intermediate care facility for individuals with intellectual disability (ICF/IID) or the ICF/IID component of the Rio Grande State Center or who received services from a provider that received residential assistance through a Section 1915(c) waiver program serving individuals who are eligible for ICF/IID services, that reviews are being conducted only at state supported living centers and the current organization conducting the reviews does not intend to pursue renewal of its contract.



Although the legislation that created the mortality review system was intended to create a robust and useful process that encompasses all residential providers of services to individuals with intellectual and developmental disabilities that would allow lawmakers, agency staff, private providers, advocacy groups, and others to compare the mortality in all settings across the state and to assist in improving overall health care services in all settings, this intent is not being fulfilled because of federal statutory limitations on the roles and responsibilities of a patient safety organization. HB 2673 seeks to address these issues to improve the services provided to and further ensure the safety of persons with intellectual and developmental disabilities in this state.

HB 2683: Nurse Aide Registry and Employee Misconduct Registry

Author: Rep. Four Price



In an effort to better serve and protect residents and consumers in facilities licensed or regulated by the Department of Aging and Disability Services (DADS), the legislature created the employee misconduct registry and the nurse aide registry to ensure that personnel who commit acts of abuse, neglect, exploitation, misappropriation, or misconduct against residents and consumers are denied employment in certain DADS-regulated facilities and agencies. In recent years, there has been a growing self-determination movement within the aging and disabled communities, and many people are deciding to use the consumer-directed service model option of care to have more control over the services they receive. Because this option was not available when the employment registries were developed, it would be beneficial

to require individuals using this option to check the employee misconduct registry and the nurse aide registry before hiring an employee to ensure that such individuals are protected wherever they receive services.

There are also several necessary updates to the laws governing the employee misconduct registry and the nurse aide registry, such as recordkeeping requirements for providers who must perform these background checks, the conduct for which a person may not be employed by an applicable facility, and the procedures for a hearing regarding an occurrence of misconduct. HB 2683 seeks to address these issues in an effort to prevent abuse and neglect of residents in facilities regulated by DADS.

HB 2276: Notice of Residential Services

Author: Rep. Myra Crownover

When the guardian of an individual with an intellectual disability inquires about the residential services available for the individual, the local authority is required by law to provide the person with information on all available options, including residential services offered at state-supported living centers. However, many authorities either are not providing information on state-supported living centers or are portraying the centers in a negative light and discouraging guardians from placing an individual in a center. HB 2276 seeks to ensure that persons seeking certain residential services are given unbiased and informative written material about the services available at state-supported living centers.



HB 523: Prohibiting the Purchase of Energy Drinks under SNAP

Author: Rep. Terry Canales



The Supplemental Nutrition Assistance Program (SNAP) was created to provide millions of low-income individuals and families with nutritional assistance. Federal Food and Drug Administration guidelines are generally used to determine an item's eligibility under the program, but certain ambiguities in federal regulations allow individuals to purchase energy drinks with SNAP benefits. Industry experts have reported numerous health risks associated with consuming energy drinks, with side effects ranging from insomnia and irritability to irregular heartbeats and death. In the last decade, hospitals have seen an increase in emergency room visits related to energy drink consumption. HB 523 seeks to encourage families and individuals to make healthier choices by regulating the purchase of energy drinks under SNAP.

HB 587: Eligibility for the Supplemental Nutrition Assistance Program

Author: Rep. Lon Burnam

The Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamps program, is a state-administered federal program that provides low-income recipients with money to purchase food. The state's current program policies are some of the most restrictive in the nation and result in the inconsistent treatment of various SNAP participants. Texas is one of only a few states that denies benefits to an entire household, including children and other persons who would otherwise qualify for the benefits, if the head of household fails to meet the employment requirements of the program. Preventing these individuals from receiving benefits increases their risk of food insecurity, which has been associated with poorer health outcomes and academic performance in children. Eliminating this ban would reduce the state's prevalence of food insecurity.



Texas is only one of a handful of states that retains the optional lifetime ban on eligibility for SNAP benefits for individuals with felony drug convictions. This ban is particularly harmful because a person has the greatest need for food security after being released from incarceration and attempting to obtain a job and adjust back into society. Further, the administrative duties relating to these types of restrictions can be burdensome and costly. HB 587 seeks to address these issues to help decrease the number of Texans who experience food insecurity and to realize cost savings in the administration of the Supplemental Nutrition Assistance Program.

HB 751: Restricting the Purchase of Certain Unhealthy Foods under SNAP

Author: Chairman Richard Peña Raymond



Obesity rates in the United States have nearly tripled over the past three decades. According to nutritional standards, sweetened beverages such as soft drinks, energy drinks, sweet teas, and sports drinks offer little, if any, nutritional value and contain large quantities of added sugars. Fatty foods have been linked to incidents of obesity, diabetes, and heart-related health issues, and studies show that high fructose corn syrup and trans fat are particularly unhealthy food items. In light of these reports, there has been some concern regarding the extent to which the state may be supporting the consumption of such items through its aid programs. HB 751 seeks to address this issue by prohibiting the use of certain state aid for the purchase of unhealthy food items.

HB 948: Operation and Administration of SNAP

Author: Rep. Susan King

The Supplemental Nutrition Assistance Program is federally funded and administered by the state through the Health and Human Services Commission (HHSC). The State of Texas provides billions of dollars in SNAP benefits each year and the program costs hundreds of millions of dollars to administer. Despite clear research on and the adoption of nutritional guidelines in other federal nutrition assistance programs, SNAP currently does not operate under sufficient nutritional guidelines. There is no way for the state to discourage retailers from advertising the acceptance of SNAP benefits around unhealthy food items and no mechanism by which HHSC can ensure children who qualify for SNAP are receiving those benefits if the children move from one household to another. HB 948 seeks to address all of these issues.



HB 1072: Eligibility for SNAP

Author: Rep. Alma Allen



Texas is reported to be among the states with the highest percentage of households that are considered food insecure, but it is one of the few states that impose a household disqualification, rather than an individual disqualification, for benefits under the Supplemental Nutrition Assistance Program if the primary wage earner in the household fails to comply with certain program requirements. This policy unfairly punishes persons who have not violated any of the program's rules, policies, or procedures. HB1072 seeks to ensure that children and other household dependents who benefit from the program are not punished because of the actions of another member of the household.

HB 1101: Allowable Food Purchases under SNAP

Author: Chairman Richard Peña Raymond

Federal law requires that a state apply for a waiver from certain federal guidelines before the state may alter certain requirements regarding the use of benefits under the Supplemental Nutrition Assistance Program (SNAP). Evidence indicates that the increases in obesity, diabetes, and heart disease can all be linked to unhealthy food choices. HB 1101 would require the state to apply for a waiver to change certain SNAP guidelines in an effort to encourage recipients of benefits to make healthy food choices.



HB 1141: Eligibility for SNAP

Author: Rep. Elliott Naishtat

Federal law provides for a lifetime ban on certain individuals who have a felony drug conviction from participating in the Supplemental Nutrition Assistance Program, formerly known as the food stamps program. Such a ban is not imposed for any other felony conviction, including murder or theft, and Texas is one of a minority of states that has not lifted or modified a lifetime federal ban.



Industry experts have indicated that this policy puts low-income Texas children at risk of food insecurity. According to these experts, Texas has one of the highest rates of food insecurity in the nation, and children from households headed by parents excluded from SNAP benefits because of this lifetime ban receive less food assistance than if their parents were eligible because the countable household size is smaller. Lifting this ban would provide much needed assistance to eligible Texans and allow the state to process applications for benefits much more quickly. HB 1141 intends to

prevent the disqualification of otherwise eligible individuals from participating in the SNAP program because of a past felony drug conviction.

HB 1205: Offense of Failure to Report Abuse or Neglect of a Child

Author: Rep. Tan Parker

Current laws do not adequately address circumstances in which a professional has cause to believe that a child's well-being has been or may be adversely affected by abuse or neglect but fails to report that abuse or neglect with the intent to conceal the abuse or neglect. HB 1205 seeks to address this issue by strengthening and clarifying the law relating to reporting child abuse or neglect.



HB 1827: Advertising by Retailers Participating in SNAP

Author: Rep. Naomi Gonzalez



According to recent government agency estimates, more than 4 million Texans currently receive Supplemental Nutrition Assistance Program (SNAP) benefits. Some retailers who accept SNAP benefits sometimes advertise certain junk food and drink items as being eligible for purchase using those benefits. This kind of advertising only serves to promote unhealthy eating choices and, given the growing concerns regarding obesity and health in Texas, this advertising practice needs to be curbed. HB 1827 seeks to address this issue by placing some restrictions on advertising by certain retailers.

HB 3434: Incentives for Using SNAP Benefits to Purchase Nutritious Foods

Author: Chairman Richard Raymond

Evidence suggests that recent increases in the rates of obesity, diabetes, and heart disease can all be linked to unhealthy food choices. The state could help address concerns regarding unhealthy eating habits by encouraging recipients of benefits under the Supplemental Nutrition Assistance Program (SNAP) to make healthy food choices. HB 3434 seeks to establish a pilot program to promote the purchase of healthy foods and offer additional benefits to SNAP recipients as an incentive to purchase such healthy foods.



HB 3463: Information for Recipients of Certain Assistance Programs

Author: Rep. Dwayne Bohac

There is a need for increased transparency and education with regard to the fiscal impact that providing certain public assistance benefits has on the taxpayers of this state. Recipients of those benefits should be given a breakdown of the value and total cost of the benefits they receive similar to an annual employee benefit statement. HB 3463 seeks to provide for the dissemination of this information to a recipient when the person recertifies for eligibility under an applicable assistance program.



Bills Voted Out of Committee

HB 747: Relating to the duty of certain professionals, including employees of public or private institutions of higher education, to report child abuse or neglect. As substituted voted favorably.

Author: Chairman Richard Peña Raymond

HB 868: Relating to exceptions to mental health information disclosure prohibitions. As substituted voted favorably.

Authors: Rep. Mike Villarreal and Rep. Cindy Burkett

HB 1206: Relating to the duties of a law enforcement agency regarding certain children who are reported to be missing. As substituted voted favorably.

Authors: Rep. Tan Parker and Rep. Pat Fallon

HB 1205: Relating to the offense of failure to report abuse or neglect of a child. Voted favorably.

Authors: Rep. Tan Parker, Chairman Richard Peña Raymond, Rep. John Zerwas and Rep. Pat Fallon

HB 2683: Relating to employment in certain consumer-directed services and by certain facilities and to the nurse aide registry and the employee misconduct registry. As substituted voted favorably.

Author: Rep. Walter "Four" Price

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