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## TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON HUMAN SERVICES

Weekly Newsletter  
April 2, 2013 Hearing

### *Bills Considered by Chairman Raymond's Committee*

#### **HB 2072: Services for the Deaf** **Author: Rep. Eddie Rodriguez**

The lack of a state professional interpreters licensing program poses unnecessary and sometimes dangerous challenges for the hearing impaired population. Although Texas has had an interpreter certification program for the past few decades, certification is on a voluntarily basis and is not a requirement for practicing in the state. The absence of state regulation makes it difficult for providers of services to persons with hearing impairments to assess the quality of interpreters they use. The state can monitor the interpreters who choose to become certified for performance and ethics and address any issues through an established complaint process. The same is not true for noncertified interpreters. It is impossible to know how many uncertified interpreters are practicing in the state and, because they are not monitored by the state and there is no complaint process for noncertified interpreters, their level of qualification and aptitude cannot be adequately determined or ensured.



HB 2072 seeks to ensure that the hearing impaired population is afforded interpreters who meet established skill and performance standards and to reduce the risk of miscommunication between an interpreter and a client with a hearing impairment by implementing a professional licensing program and a licensing requirement to practice as an interpreter.

## **HB 3259: Access to Child Abuse and Neglect Investigation Records**

**Author: Rep. Gene Wu**



Children's advocacy centers provide support in cases of child abuse and neglect and often help create video interviews of children who have been the victims of sexual violence or similar crimes. Current law regarding the confidentiality and use of such materials refers to "videotapes." However, modern videos are now stored on disks and hard drives and not videotapes. This inconsistency can place a judge in a difficult situation when denying a request for the reproduction or release of these materials. HB 3259 seeks to address this issue by modernizing certain statutory language.

## **HB 3729: Licensing Requirements for Assisted Living Facilities**

**Author: Rep. Garnet Coleman**

Texas requires a license for establishing or operating an assisted living facility. Licensed facilities must pass a state inspection showing that the facility meets certain established standards relating to the facility and the care provided at the facility. Within the current licensing framework, the state may grant a provisional license for newly constructed facilities if the applicant meets certain criteria, one of which is that the applicant has constructed another facility in Texas that complies with the Department of Aging and Disability Services' life safety code standards.



Provisional licensing procedures make it more efficient for the state to schedule surveys and encourage new construction by owners who already understand what is involved in constructing a facility. However, the laws relating to the criteria for a provisional license are being interpreted too narrowly, requiring the applicant to be exactly the same owner as the owner of the facility previously constructed in Texas, which can be a problem for many business owners who organize their businesses differently depending on the type of structure being built. The parties assert that the law was originally intended to permit the flexibility of different business structures as long as the underlying ownership and the controlling persons involved in those structures were the same. HB 3729 seeks to address these issues by clarifying statutory requirements for the issuance of such a provisional license.

## **HB 2619: Educational Needs of Children in DFPS Conservatorship**

**Author: Rep. Elliott Naishtat**



Under current law, certain court orders are not required to identify the person who is authorized to make decisions about the education of a child in foster care. The absence of this specific designation creates confusion for caseworkers, foster parents, and educators. Such a designation would help to clarify roles and responsibilities. In addition, while it is important for attorneys and guardians ad litem to be knowledgeable about the child's educational needs and goals,

including special education, the child's ability to meet grade-level expectations, and school behavioral interventions, current law does not include such assessments in the duties of a guardian or attorney ad litem. Furthermore, certain changes to the law are necessary to allow a foster care child to attend important appointments, such as mental health appointments and court-ordered family visits, without being penalized by the child's school and to ensure the development of plans for the educational stability of foster care children, including when transferring schools. HB 2619 seeks to address these issues to ensure that the educational needs of children in the conservatorship of the state are met.

## **HB 1741: Child Safety Alarms in Child-Care Facilities' Vehicles**

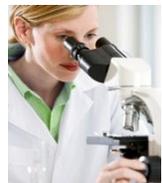
**Author: Rep. Elliott Naishtat**

Reports indicate that in the past fifteen years more than 500 children have died in the United States from hyperthermia, or heat stroke, after being left unattended in vehicles and that Texas has had the highest number of such deaths during this time period. Licensed day-care centers have had higher rates of child deaths from vehicular heat stroke than have other types of child care facilities in Texas. HB 1741 seeks to prevent such deaths from occurring by requiring the use of electronic child safety alarms in certain vehicles used to transport children in the care of a licensed day-care center.



## **HB 249: Drug Testing of Persons Seeking Financial Assistance Benefits**

**Author: Rep. Jodie Laubenberg**



The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 created the Temporary Assistance for Needy Families (TANF) program. The federal rules of the act permit drug testing as part of the TANF block grant and there are reports, including a report from the National Conference of State Legislatures, that show such testing has been used by several states. HB 249 seeks to ensure that financial assistance benefits are being used for their prescribed purpose by setting out requirements relating to a controlled substance use screening.

## **HB 1582: Drug Screening and Testing of Persons Seeking Financial Assistance Benefits**

**Author: Rep. Debbie Riddle**

There is concern that some applicants for and recipients of benefits under the Temporary Assistance for Needy Families program are illegally using controlled substances. HB 1582 seeks to address this concern by establishing drug screening and testing requirements for such persons.



## **HB 1244: Drug Testing of Persons Seeking Financial Assistance Benefits**

**Author: Rep. Ken King**



While an applicant for financial assistance benefits through the Temporary Assistance for Needy Families (TANF) program currently must meet certain eligibility requirements relating to the applicant's family and income, an applicant is not required to submit to a drug test. The number of people receiving monthly payments through TANF has easily exceeded 100,000 in recent years. In light of the scope of this program, HB 1244 seeks to establish personal accountability provisions in an effort to ensure that this financial assistance money will not be spent irresponsibly.

## **HB 2731: Decreasing Administrative Burden of Medicaid Managed Care**

**Author: Chairman Richard Peña Raymond**

Certain changes to provisions relating to the state's administration of contracts under the Medicaid managed care program are necessary to encourage efficient and economical processes related to Medicaid preauthorization requests, compliance with contractual requirements, and adjudication of claims. HB 2731 seeks to enact these changes.



## **HB 3400: Anonymous Reports of Suspected Child Abuse or Neglect**

**Author: Chairman Richard Peña Raymond**

Certain professionals are currently required to report suspected child abuse or neglect to any of several state agencies. There is concern that such professionals may not make such reports because they fear retaliation by individuals subject to the investigations of abuse or neglect. HB 3400 seeks to provide for a system by which reports can be made anonymously to encourage professionals to report suspected child abuse or neglect.



## **HB 3401: A Nutrition and Wellness Education Program for Benefit Recipients**

**Author: Chairman Richard Peña Raymond**



Industry experts have reported that the increase in obesity, diabetes, and heart disease can all be linked to unhealthy food choices. Many recipients of benefits through the Temporary Assistance for Needy Families program, the Medicaid program, and the supplemental nutrition assistance program utilize the Health and Human Services Commission's online portal to view their benefits and. The portal could be used to encourage recipients to participate in healthy eating and physically active choices. HB 3401 seeks to establish an online nutrition and wellness education program for the recipients of these assistance programs.

### ***Bills Voted Out of Committee***

**HB 33:** Relating to alternative methods of dispute resolution in certain disputes between the Department of Aging and Disability Services and an assisted living facility licensed by the department.

**Author: Rep. José Menéndez**

**HB 376:** Relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

**Author: Rep. Mark Strama et al.**

**HB 1098:** Relating to family cost share provisions in the early childhood intervention program.

**Author: Rep. John Zerwas**

**HB 1227:** Relating to the use of an Internet application to allow access by court-appointed volunteer advocates to child protective services case information.

**Author: Rep. Dawnna Dukes**

**HB 1561:** Relating to access to a deceased person's mental health information.

**Author: Rep. Stephanie Klick**

**HB 1760:** Relating to the provision of services to certain individuals with developmental disabilities by a state supported living center.

**Author: Rep. Drew Darby**

**HB 2240:** Relating to a study on homeless youth.

**Author: Rep. Sylvester Turner and Rep. Naomi Gonzalez**

**HB 2276:** Relating to notice of residential services available for persons with intellectual disabilities.

**Author: Rep. Myra Crownover et al.**

**HB 2673:** Relating to the protection and care of individuals with intellectual and developmental disabilities.  
**Author: Four Price**

**HB 3434:** Relating to incentives for using supplemental nutrition assistance program benefits to purchase nutritious foods.  
**Author: Chairman Richard Peña Raymond**

**HB 1741:** Relating to requiring child safety alarms in certain vehicles used by child-care facilities to transport children.  
**Author: Rep. Elliott Naishtat**

**HB 3259:** Relating to the ownership of and access to certain investigation records in child abuse and neglect cases.  
**Author: Gene Wu**

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