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## TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON HUMAN SERVICES

Weekly Newsletter  
April 30, 2013 Hearing

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

#### **SB 7: Improving the Delivery of Certain Health and Human Services**

**Author: Sen. Jane Nelson, et al.**

SB 7 improves the coordination of Medicaid long-term care services and supports with acute care services, redesigns the long-term care services and support system to more efficiently serve individuals with intellectual and developmental disabilities, and expands on quality-based payment initiatives to promote high-quality, efficient care throughout Medicaid. SB 7 amends current law relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term services and supports.



#### **SB 45: Employment Assistance and Supported Employment**

**Author: Sen. Judith Zaffirini**



The purpose of this bill is to provide a policy framework to help persons with disabilities gain integrated employment. It seeks to remove barriers and disincentives to employment by providing services and supports such as transportation and flexible options for on the job support. This bill requires that all Texas Medicaid waiver participants have access to both the supported

employment and employment assistance options that are available currently in only certain waivers.

### **SB 49: Living Assistance for Children with Disabilities**

**Author: Sen. Judith Zaffirini, et al.**

The purpose of this legislation is to include children with intellectual and developmental disabilities who are residing in general residential operations (GRO) licensed by the Department of Family and Protective Services (DFPS) in the Texas Promoting Independence Plan to ensure timely access to home and community-based services. CSSB 49 amends current law relating to transitional living assistance and appropriate care settings for children with disabilities who reside in general residential operations.

### **SB 50: Relating to the Children's Policy Council**

**Author: Sen. Judith Zaffirini**

C.S.S.B. 50 will expand the composition of the Children's Policy Council (CPC) to ensure families of children with emotional disturbance and other behavioral conditions are represented. Currently, families of children with mental health disabilities are not represented on CPC or any other legislatively authorized advisory committee. Adding representation of families of children with mental health conditions to the membership of CPC will increase opportunities for coordinating mental health services for children across agencies.



### **SB 423: Flexible Response System for Investigations of Child Abuse or Neglect**

**Author: Sen. Jane Nelson**



SB 423 allows the Department of Family and Protective Services (DFPS) to create an alternate track for low-risk cases to promote collaboration with families and to ensure child safety, to increase successful reunifications, and to decrease recidivism.

Currently, DFPS must investigate all cases of alleged abuse and neglect of Texas children by their caregivers. This bill creates a second track, called alternative response, for less severe cases, mostly neglect. This will allow DFPS to help those families to obtain appropriate services without designating a "perpetrator." However, serious abuse cases or cases involving children aged five and younger will not be eligible for alternative response and will be sent immediately to a traditional investigation. As proposed, SB

423 amends current law relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.

## **SB 426: Home Visiting Program for At-risk Families**

**Author: Sen. Jane Nelson, et al.**

Home visiting is a program where specialists deliver services, like parenting classes, in the home to certain at-risk populations. Participation in a home visiting program must be voluntary and is available to pregnant women or children birth to age five. SB 426 promotes evidence-based practices for prevention programs that focus on home visitations to improve outcomes for certain at-risk populations by providing in-home services proven to achieve results.

Specifically, SB 426 requires that at least 75 percent of appropriated funds go to evidence-based programs, while the remainder is invested in promising practice programs; allows the Health and Human Services Commission (HHSC) to accept gifts, donations, and grants for the home visiting program; and sets up the program under HHSC to ensure that outcomes are achieved. As proposed, SB 426 amends current law relating to a home visiting program for at-risk families.

## **SB 427: Regulation of Certain Child-Care Facilities**

**Author: Sen. Jane Nelson**

SB 427 builds on the legislature's past initiatives to increase protections for children in licensed child-care facilities by closing the final loophole in child care background checks and allowing child-care licensing facilities to focus on high-risk providers. Currently, child-care operations are required to be inspected annually and most individuals within the system are required to undergo Federal Bureau of Investigation fingerprint background checks. However, general residential operations are required to undergo only name-based checks.



As proposed, SB 427 amends current law relating to the regulation of certain child-care facilities and administrators of those facilities.

## **SB 428: Background and Criminal History Checks**

**Author: Sen. Jane Nelson**

Currently, child-care facilities and child-placing agencies are required to conduct background checks on people who may visit the facility or foster home. The Department of Family and Protective Services (DFPS) conducts background checks on biological parents as part of its investigation. Thus, a duplication in checks occurs when birth parents visit their children at the facility or foster home. SB 428 removes the requirement for foster homes to conduct a background check on those who visit the facility if a current check is on file with DFPS and that check occurred within the last two years.

As proposed, SB 428 amends current law relating to background and criminal history checks for parents or other relatives of children in residential child-care facilities.



## **SB 1803: Inspector General of the HHSC**

**Author: Sen. Joan Huffman**

S.B. 8, 83rd Legislature, Regular Session, 2013, enhances the state's ability to detect and prevent fraud, waste, and abuse in Medicaid and across the health and human services system. In light of this legislation, concerns have been expressed from physicians, physicians groups, and other medical providers throughout the state that there is not proper due process in place when the Health and Human Services Commission's Office of Inspector General (OIG) suspects and accuses a provider of Medicaid fraud or abuse. Concerns with the transparency in the process have also been raised as well as conflict of interest in Medicaid overpayment hearings. C.S.S.B. 1803 amends current law relating to the office of inspector general of the Health and Human Services Commission.



## **SB 502: Relating to the Placement of Children**

**Author: Sen. Royce West**

In order to ensure that children and youths to be placed in foster care are prepared, pre-placement visits and the provision of a placement summary form are required. However, this same practice is not mandated in the case of kinship placements, because familiarity is assumed when the placement is with a relative. Unfortunately, despite the blood ties that children and youths may have with a kinship placement, they may not have had regular contact, and the potential caregiver may not be familiar with the child's history. A pre-placement visit would allow an opportunity for both child and caregiver to determine whether the placement is appropriate. In addition, the placement summary form ensures that the caregiver is aware of all of the child's medical, education, and behavioral issues and needs so these can be appropriately met. This information also ensures that the caregiver is aware of what will be required of him or her. Relatives are often not aware of a child's history and experiences and accept a placement with very little information. The ability to prepare for a placement, both through a pre-placement visit and receipt of a placement summary form, can strengthen the stability of a placement.



SB 502 requires the Department of Family and Protective Services, before placing a child with a relative caregiver, to arrange a visit between a child and the caregiver and to provide that caregiver with a form containing information about the child's educational, medical, and social history and needs. The form may be the same one given to nonrelative caregivers. This bill also modifies provisions relating to monetary assistance provided by DFPS to a caregiver on initial placement of a child or sibling group.

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

**SB 426:** Relating to a home visiting program for at-risk families.

**Author: Sen. Jane Nelson**

**SB 49:** Relating to transitional living assistance and appropriate care settings for children with disabilities who reside in general residential operations.

**Author: Sen. Judith Zaffirini**

**SB 50:** Relating to the Children's Policy Council, including the composition of the council.

**Author: Sen. Judith Zaffirini**

**SB 423:** Relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.

**Author: Sen. Jane Nelson**

**SB 427:** Relating to the regulation of certain child-care facilities and administrators of those facilities.

**Author: Sen. Jane Nelson**

**SB 428:** Relating to background and criminal history checks for parents or other relatives of children in residential child-care facilities.

**Author: Sen. Jane Nelson**

**HB 1828:** Relating to hazardous duty pay for certain employees working at state supported living centers and state hospitals.

**Author: Rep. Naomi Gonzalez**

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