

Texas Council for Developmental Disabilities
82nd Texas Legislature - 2011
Bills Passed

Fiscal Matters Bills

Bill	Author	Caption	Bill Summary
HB 1	Pitts Ogden	General Appropriations Act.	"The Budget", officially the General Appropriations Act (GAA) for the FY 2012-2013 biennium. Total \$175 billion all funds. \$9 billion cuts in general revenue. \$5 billion in Medicaid appropriations left unfunded.
HB 4	Pitts Ogden	Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.	Prior to the Session, State leadership required state agencies to make cuts in their FY 2010-2011 budgets. HB 4 reduces appropriations to agencies to "assume" those funding reductions already in place.
HB 275	Pitts Ogden	Relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.	Appropriates funds from the state's Economic Stabilization Fund ("Rainy Day Fund") to cover budget shortfalls in the 2010-2011 biennium. This bill plus HB 4 resulted in a balanced budget for FY 10-11.
SB 1 S	Duncan Shapiro Duell	Relating to certain state fiscal matters; providing penalties.	School finance bill includes \$4 billion in reductions to districts statewide, several payment deferrals and tax collection "accelerations". Expected to generate \$3.5 billion in revenue. Requires online retailers, such as Amazon.com to collect sales taxes.
SB 2 S	Ogden	Relating to appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.	A "clean-up" bill that includes appropriations items in HB1(R) that were contingent upon legislation that did not pass in the regular session.

Key: **R** = Regular Session **S** = Special Session

Note: All bills in the first column on the right are bills passed in the regular session unless the bill number is followed by an S.

Access

Bill	Author	Caption	Bill Summary
HB 1075	Anderson, R. Truitt Aliseda Johnson Zedler Davis Zaffarini	Relating to the consolidation of certain alert systems into a single statewide alert system and to the addition of other factors that will prompt an alert under the consolidated system.	Amends the “AMBER” Alert system to include adults with an intellectual disability or pervasive developmental disability who are reported missing or abducted.
SB 14	Fraser 110 co-sponsors	Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.	Voter identification bill - amended to provide an exemption for people with disabilities who receive SSI and veterans with 60% disability from ID requirements. When voting, the person with a disability must provide written documentation from the U.S. Social Security Administration verifying the disability (SSI and/or SSDI).

Administrative

Bill	Author	Caption	Bill Summary
SB652	Hegar Bonnen	Relating to governmental and certain quasi-governmental entities subject to the sunset review process.	Determines Sunset review dates. Texas Council for Developmental Disabilities, along with HHSC, DARS, DADS, DSHS, Regional Education Services Centers, and others will be reviewed in 2015. Review dates for each bi-ennium through 2023 were assigned for around 60 entities.

Children and Families

Bill	Author	Caption	Bill Summary
HB 434	Parker Gonzalez, N. Laubenberg Davis, John Zerwas	Relating to the minimum standards for licensed child-care facilities and registered family homes.	Requires minimum standards to ensure that child care facilities and registered family homes follow the directions of a child's health care provider related to specialized medical assistance required by the child. Also requires that the standards ensure that such directions be maintained by facilities for a reasonable amount of time.
HB 452	Lucio, III Raymond	Relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of DFPS.	Seeks to ensure that former foster youths have living arrangements both during and between academic semesters. This bill requires institutions of higher education to help students find housing options to better support their education and social abilities.

HB 753	Raymond Zaffarini	Relating to the recruitment and retention of certain caseworkers employed by the DFPS.	Directs DFPS to use special assessment tools in screening applicants for employment and give hiring preference to applicants applying for entry level caseworker positions with a master's degree or bachelor's degree in social work when other skills are comparable.
HB 1615	Brown Ogden Nelson	Relating to the administering of medications to children in certain facilities.	Prohibits certain employees and volunteers of certain child-care facilities from administering a medication to a child without permission from the child's parent or guardian, providing penalties for violating this prohibition.
HB 3531	Strama Marquez Dukes Naishtat Nelson	Relating to the provision of certain prescription medications to a foster child.	As a result of increased exposure to emotional and psychological stress, some foster children are at risk of being placed on multiple medications and could be overmedicated. H.B. 3531 requires the HHSC to monitor the prescribing of psychotropic drugs for certain children in DFPS conservatorship.
SB 218	Nelson Dukes	Relating to procedures in certain suits affecting the parent-child relationship and the operation of the child protective services and foster care systems.	Foster care redesign bill for Department of Family and Protective Services (DFPS) to keep kids in their home communities. Directs DFPS to contract with providers who can individualize continuums of care and limits children being placed outside of the home.
SB 219	Nelson Van de Putte Gonzalez, N	Relating to health and mental health services for children in foster and kinship care.	Supports more effective health and mental health services for children in foster and kinship care by requiring trauma-informed training.
SB 221	Nelson Gonzalez, N.	Relating to DFPS protective services and investigations of abuse, neglect, or exploitation of elderly or disabled adults.	Definition of “exploitation” now includes attempted exploitation and using a client’s personal information for personal or monetary gain.
SB 260	West Shapiro Raymond	Relating to minimum training standards for employees of certain child-care facilities.	Increases from 15 to 24 the hours the annual training required for each employee and from 20-30 hours the required annual training for a director of a day-care or group day-care home.
SB 264	Zaffarini Guillen	Relating to certain information provided by local workforce development boards regarding certain child-care providers.	Seeks to help families and other caregivers make informed choices by requiring local workforce development boards to provide such information. Local workforce development boards are not currently required to include certain quality child-care indicators for subsidized child-care providers in the materials provided to parents, families, and other caregivers of infants and young children.
SB 265	Zaffarini Carter	Relating to training for employees and operators of certain child-care facilities.	Seeks to ensure that child-care employees and operators receive training from knowledgeable individuals with relevant expertise by establishing requirements for persons providing that training.

Education

Bill	Author	Caption	Bill Summary
HB 692	Farias	Relating to high school graduation requirements for a student who is unable to participate in physical activity due to disability or illness.	Provides that a student who because of a disability is unable to participate in physical education may substitute a course and still be eligible for distinguished credit.
HB 861	Patrick, Diane Davis	Relating to membership of the state continuing advisory committee for special education services.	Requires one member of Special Education Advisory Committee to be a special education educator.
HB 1130	Huberty Seliger	Relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.	Deletes the requirement that TEA publish a list of campuses that have a larger-than-average percentage of students with disabilities receiving the majority of their education in special education classrooms. This list was redundant to existing federal reporting requirements, and the information will still be publicly available.
HB 1335	Allen Reynolds Van de Putte	Relating to certain resources available to teachers of a public school student with a disability.	Requires school districts to adopt a policy to allow regular education teachers to request a review of the student's IEP if they believe there is a problem.
SB 1788	Patrick, Dan Huberty	Relating to planning for students enrolled in public school special education programs.	Requires Texas Education Agency to develop a model Individual Education Plan (IEP) that may be used by independent school districts. Language in SB 596 by Shapiro and West that requires transition to begin at age 14 was amended to this bill.

Education – Discipline

Bill	Author	Caption	Bill Summary
HB 359	Allen Nash Patrick, Diane Shelton Torres Lucio	Relating to discipline in public schools, including the use of certain disciplinary methods and the prosecution of certain children for school-related offenses.	School districts statewide must allow parents to refuse permission for the school to use corporal punishment as a discipline method with their children. SB 536 by Davis was amended to this bill requiring school resource officers to report restraints. HB 3758 by Giddings also amended to HB 968 and prohibits giving tickets to children younger than 13 (sixth grade) for minor misbehaviors in school.
HB 968	Strama Watson	Relating to expulsion from school or placement in a disciplinary alternative education program.	Allows a school to expel and place in alternative education any student who has committed a felony offense. HB 622 by Hochberg amended to this bill that prevents children from being expelled from alternative education for non-serious behaviors, such as chewing gum; defines

			serious behaviors and adds that a student can only be expelled for serious behavior if appropriate interventions have not succeeded.
HB 1942	Patrick Van De Putte 26 co-sponsors	Relating to bullying in public schools.	A comprehensive bullying bill that allows for the transfer of students involved with bullying. Requires the ARD committee to make change of placement decisions and discipline decisions in compliance with the Individuals with Disabilities Education Act (IDEA).
SB 49	Zaffirini West Guillen	Relating to school district requirements regarding parental notification and documentation in connection with disciplinary alternative education.	Requires schools to notify parents when certain disciplinary actions are taken against students who are placed in disciplinary alternative education programs.

Guardianship

Bill	Author	Caption	Bill Summary
SB 220	Nelson Naishtat	Relating to guardianships, including the assessment of prospective wards for, and the provision of, guardianship services by the Department of Aging and Disability Services (DADS).	Makes changes to DADS guardianship program with the intent of making it easier for families to navigate the system, increase due process and protect the assets of a ward. Did not include provisions to address or promote alternatives to guardianship.
SB 481		Relating to the removal of a guardian of an incapacitated person ordered by a court.	Seeks to ensure that any removed guardian will have notice of the removal and time to file for reinstatement. Requires notice to be personally served on a removed guardian not later than the seventh day after the court signs the order of removal. Extends time removed guardian may file for reinstatement from 10 to 30 days.
SB 1196	Rodriguez Hartnett	Relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.	Makes several needed changes to the probate code advocated by the State Bar of Texas, including allowing a guardianship hearing to be held in any suitable location that is not harmful to the ward. This could include a state supported living facility, for example.

Healthcare

Bill	Author	Caption	Bill Summary
SB 293	Nelson Martinez, A. Davis, J.	Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients	Directs HHSC to establish and allow reimbursement under Medicaid for statewide in-home telemedicine medical services, telehealth services, and home telemonitoring services to certain Medicaid recipients. Expects to help address shortages of physicians, psychiatrists and lessen costs of healthcare through video consulting, diagnostics and remote monitoring of health care.
SB 7 S	Nelson Deuell Duncan Eltife Estes Patrick Seliger Shapiro Williams Zerwas	Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state.	<p>Combined SB 23, SB7, HB 32, HB 3537 and SB8 from Regular Session and HB 13 and SB 5 from Special Session.</p> <p><u>“Flexibility Waiver”</u> - Requires HHSC to seek a Section 1115 Medicaid waiver to provide flexibility in determining eligibility categories, income levels and benefits; consolidate funding streams; encourage personal responsibility through sliding scale, with fees paid at the point of service, and use of private insurance; and allows redesign of long-term care services and supports to increase access to patient-centered care in the most cost-effective manner.</p> <p><u>Individual and Provider Changes</u> - Requires co-pay for Medicaid and CHIP patients who make unnecessary emergency room visits; lets healthcare providers form collaborative to create a statewide system to quickly identify risk factors in individual patients; reward providers who reduce waste; restructures payment system for Medicaid and CHIP; and seeks repayment for health care of sponsored adult immigrants.</p> <p><u>“Block Grant”</u> – allows Texas to join an interstate compact to take on any and all federal health care programs including Medicare, Medicaid, CHIP, FQHCs and mental health block grants. Removes all federal rules for who is served and how they are served. Congress must approve.</p>

Housing

Bill	Author	Caption	Bill Summary
HB 1818	Harper-Brown, Hinojosa	Relating to the continuation and functions of the Texas State Affordable Housing Corporation (TSAHC)	Sunset bill continues TSAHC until 2023.
HB 1510	Hamilton Carona	Relating to the regulation of manufactured housing.	Addresses TCDD Sunset recommendations for consumer rights and protections in manufactured housing including right to statement of ownership and release of lien.

Long-term Services and Supports

Bill	Author	Caption	Bill Summary
HB 1481	Truitt, King, Susan Naishtat Davis, John Raymond Menendez Zaffirini	Relating to the use of person first respectful language in reference to individuals with disabilities.	Initiates process to eliminate the R-word from state statutes, policies, and materials.
HB 3197	Coleman Duell	Relating to creating a pilot to implement the culture change model of care at certain state supported living centers.	Creates a pilot to implement the culture change model of care at one state supported living center to shift decision-making to about their daily and future lives to the individual with the disability.
SB41	Zaffarini, Davis, John	Relating to the use of restraints in state supported living centers.	Prohibits the use of mechanical or physical restraints in state supported living centers unless necessary to prevent physical injury to the resident or another. Directs staff to use least restrictive restraint and end restraint as soon as imminent risk ends. Bans the use of prone and supine holds and prohibits the use of strait jackets.
SB 37	Zaffarini, West, Naishtat Rodriguez	Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.	Continues Promoting Independence Advisory Committee (PIAC) until 2017.
SB 222	Nelson, Raymond	Relating to access to certain long-term care services and supports under the medical assistance program.	Directs DADS to increase utilization reviews of Medicaid waiver services and institute other cost-containment initiatives.

SB 1857	Zaffirini Truitt	Relating to the administration of medications for persons with intellectual and developmental disabilities	This extends to clients with intellectual and developmental disabilities the delegation by nurses to trained, unlicensed persons, the administration of medicine to individuals living in facilities or receiving certain home and community-based services.
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Mental Health

Bill	Author	Caption	Bill Summary
HB 1386	Coleman Farrar Marquez Alvarado Walle, Ellis	Relating to the public health threat presented by youth suicide and the qualification of certain persons serving as marriage and family therapists in school districts.	Requires Texas Department of State Health Services in coordination with TEA to recommended best practice-based early mental health intervention and suicide prevention training programs to implement in public elementary, junior high, middle, and high schools within the general education setting.
HB 1829	Naishtat Nelson	Relating to an application for emergency detention and to the transfer to a mental hospital of a person admitted for emergency detention .	Allows hospital to approve transferring an individual admitted to an emergency room to an appropriate mental hospital. Also allows the electronic transfer of warrant for emergency detention.
SB 118	Uresti Menendez Naishtat	Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.	Changes from 60 consecutive to 60 total inpatient days for court to order extended outpatient treatment to enable a judge to assign lower-cost extended outpatient mental health services, when appropriate.
SB 219	Nelson Van de Putte Gonzales, N.	Relating to health and mental health services for children in foster care and kinship care.	Amends current law to ensure that children in foster care and kinship care receive needed mental health services, and that professionals understand the impact of trauma on a child's mental health and behaviors.
HB 35	Menendez Van de Putte	Relating to extending a local behavioral health intervention pilot project.	Two-year continuation of BexarCares, a local behavioral health care project that seeks to divert children at risk of alternative school placements, juvenile justice or CPS treatment centers.

Transportation

Bill	Author	Caption	Bill Summary
HB2651	Allen	Relating to the eligibility of visitors to use certain public transportation services for people with disabilities.	Requires transit authority to inform individuals who reside outside of a transportation provider's service area within two days of an application if they are eligible to use the provider's services while visiting.