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TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON HUMAN SERVICES

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Bills Approved by Rep. Raymond's Committee Now Law *83rd Regular, First Special Session Complete, Second Special Session Nears Conclusion*

AUSTIN—Chairman Richard Peña Raymond's nine-member Human Services Committee concluded a productive 83rd Regular Session having considered 129 separate pieces of proposed legislation impacting the state's multi-billion dollar Medicaid program, foster care services, child and elder care services, and state agencies under the committee's oversight. Sixty-five of these proposed measures ultimately became law.

"We unanimously approved legislation overhauling the state's long-term care services and supports system for aging Texans and persons with intellectual and developmental disabilities," Raymond said. "The changes will streamline delivery of existing services and provide needed services to the more than 11,000 Texans, children and adults, currently on waiting lists—some of whom have been on these lists for several years.

"I am also proud of the progress we made toward increasing foster-care and child-care protections and fostering an environment within our state regulatory agencies that promotes the retention of quality, experienced employees," Raymond said.

During the first-called special session, Chairman Raymond was called upon by House leadership to carry legislation required to approve a temporary lawsuit settlement agreement impacting Texans with intellectual disabilities. SCR 2 was unanimously approved by the Human Services Committee and ultimately by the full House and Senate. Due to the narrow scope of the legislative call, the Human Services Committee has not met during the current, second-called special session.

In addition to consideration of proposed legislation impacting the state's package of human services, Chairman Raymond's committee exercises legislative oversight responsibility for the state's largest regulatory agency, the Health and Human Service Commission, along with its \$74 billion, two-year budget. Several state agencies operate under the HHSC umbrella, including the

Department of Family and Protective Services (DFPS), the Department of Aging and Disability Services (DADS) and the Department of Assistive and Rehabilitative Services (DARS). These agencies fall under the committee's oversight.

Listed below is a selection of the proposed measures that were approved by Chairman Raymond's committee and ultimately became law. Unless otherwise specified in the bill, legislation enacted during the regular session becomes effective Sept. 1, 2013.

CHILDREN & FAMILIES

Saving Young Lives (HB 1741)



Approved unanimously by Chairman Raymond's committee, HB 1741 requires licensed day-care centers to install electronic safety alarms in all vehicles owned or leased by the centers that are designed to seat eight or more people and used to transport children in their care. The measure also requires that the alarms be properly maintained. The alarms will prompt drivers to walk to

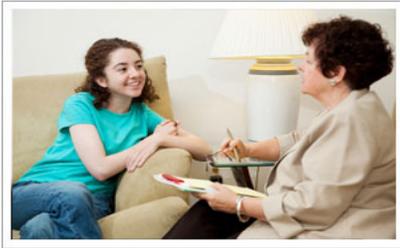
the back of the vehicles to turn off the alarm. If the alarm is not turned off, a louder siren will sound, alerting the surrounding area. The intent is for the driver to notice any sleeping or overlooked children before he or she exits the vehicle.

Raising Child-Care Standards (HB 376)



Texas Workforce Commission (TWC) funded child care services were implemented to provide eligible parents who are working or participating in education or training with child care options and to promote early physical, emotional, social, and intellectual development of their children with the goal of promoting grade-school readiness. HB 376 encourages competition and increased standards among Texas Rising Star (TxRS) certified programs by stratifying the graduated reimbursement rates that reward high quality programs. The TxRS provider certification system offers three levels of certification (two-star, three-star and four-star) to encourage providers to attain progressively higher certification ratings. Providers with a two-star rating would maintain the minimum five percent reimbursement rate, providers with a three-star rating would be granted at least a seven percent rate, and providers with a four-star rating would receive at least a nine percent rate.

Mental Health Services (SB 44)



The bill directs the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS) to study ways to prevent families from relinquishing a child to DFPS in order to get their child mental health care. Chairman Raymond’s committee heard emotional testimony from advocates supporting the measure. The bill also requires the Council on Children and Families to make recommendations to HHSC to eliminate the practice

of including in the DFPS central registry the name of a person who relinquishes possession of his or her child to DFPS solely to obtain mental health services for the child.

Maintaining the Family (HB 748)



The bill, authored by Chairman Raymond and ultimately approved by his committee, directs DFPS to pursue a federal Title IV-E waiver as authorized by the federal Child and Family Services Improvement and Innovation Act. The waiver, if approved, would allow DFPS to redirect a portion of federal funds it receives towards prevention and education strategies with a goal of increasing permanency for foster children, increasing positive outcomes related to foster child placements, and preventing child abuse and neglect.

MEDICAID

IDD and Long-Term Care Overhaul (SB 7)



Skillfully shepherded through the House by Chairman Raymond, SB 7 was revised several times before ultimately being approved by both chambers and signed into law. The bill establishes a process to transition Medicaid eligible adults and children with intellectual and developmental disabilities (IDD), as well as nursing facility services, into a managed care delivery system. The bill specifically prohibits Medicaid managed care organizations from

implementing significant, non-negotiated, across-the-board provider rate reductions unless the reductions are approved by the Health and Human Services Commission (HHSC) or are based on changes to the Medicaid fee schedule or cost containment initiatives implemented by HHSC. The bill enhances quality-based performance measures and incentive payments for acute and long-term care providers and authorizes wellness programs for Medicaid recipients. More than 11,000 intellectually and developmentally disabled adults and children currently on waiting lists will receive services as a result of the passage of SB 7.

Medicaid Quality Improvement (SB 1542)



Approved unanimously by Chairman Raymond's committee, SB 1542 requires the Health and Human Services Commission (HHSC) to establish a Medicaid quality improvement process to assess certain clinical initiatives. HHSC would be required to solicit and accept suggestions for clinical initiatives from certain parties and to evaluate and report on each initiative. If any initiative is determined to be cost-effective and to improve the quality of care in Medicaid, HHSC would be authorized to implement the initiative, unless prohibited by law, or, or if implementation would require a change in law, to submit the final report on the initiative with recommendations related to implementation to the Legislature.

Medicaid Provider Protection Plan (SB 1150)



Co-sponsored by Chairman Raymond, SB 1150 seeks to address what has been a priority for doctors, dentists and other health care providers statewide since the introduction of managed care into the state's Medicaid program. The bill requires the Health and Human Services Commission (HHSC) to develop and implement a provider protection plan to reduce administrative burdens placed on providers participating in a Medicaid managed care plan and

ensure efficiency in provider enrollment and reimbursement. The bill requires HHSC to incorporate the plan into each contract between a managed care organization and HHSC.

AGENCY OVERSIGHT

CPS Employee Retention (SB 771)



One of the ways that the Child Protective Services Division (CPS) of the Department of Family and Protective Services (DFPS) can reduce turnover is to properly train CPS supervisors prior to placement. A CPS supervisor is more effective if he or she is equipped to handle the immense responsibilities that come along with being a CPS supervisor. Sponsored by Chairman Raymond, SB 771 requires any CPS employee who is hired for or promoted to a supervisory position to receive appropriate training before assuming the role of a supervisor.

Child Abuse Investigations (SB 423)



Under current procedures, the Department of Family and Protective Services (DFPS) must investigate all cases of alleged abuse and neglect of Texas children by their caregivers. Testimony provided to the committee by child advocates and agency officials indicated that providing for a second track, or alternative response, for certain less severe cases would allow DFPS to help those families obtain appropriate services without making a final determination that abuse or neglect occurred. SB 423 establishes such an alternate track for low-risk cases in order to promote collaboration with families, to ensure child safety, to increase successful reunifications, and to

decrease recidivism.

MISCELLANEOUS

Child Abuse/Neglect Reporting (HB 747)



Current state law mandates that various professionals and employees of certain state-regulated facilities who, in the normal course of official duties, have direct contact with children must report suspected child abuse, neglect, or sexual abuse within 48 hours. There is concern that this reporting timeline is not sufficient. Authored by Chairman Raymond, HB 747 seeks to ensure the protection of children by requiring that suspected child abuse, neglect, or sexual abuse be *immediately* reported to the proper authorities.

Evidence-Based Parenting (SB 426)



Vetted and recommended by Chairman Raymond's committee, this bill prioritizes funding for evidence-based parenting and establishes a Texas Home Visiting Program whereby early childhood and health professionals would visit the homes of at-risk pregnant women or families with children under age six to improve outcomes for parents and families. The Health and Human Services Commission (HHSC) is required to ensure the program achieves favorable outcomes, to evaluate the programs by adopting outcome indicators,

and to regularly report on the program.

Ensuring Child Confidentiality (HB 1648)



Authored by Chairman Raymond, this bill requires that all photos, videos, or other electronic depictions of a child taken during child care licensing inspections and investigations be confidential, unless release of the material is required by law. The change is intended to ensure confidentiality laws are consistent with abuse and neglect investigations conducted by the Department of Family and Protective Services.

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