

1-1 By: King of Taylor (Senate Sponsor - Kolkhorst) H.B. No. 2835
 1-2 (In the Senate - Received from the House May 14, 2015;
 1-3 May 15, 2015, read first time and referred to Committee on Health
 1-4 and Human Services; May 22, 2015, reported favorably by the
 1-5 following vote: Yeas 5, Nays 3; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13		X		
1-14	X			
1-15			X	
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the name of the program serving certain persons with
 1-20 special health care needs and prioritizing services provided under
 1-21 the program.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The legislature finds that:

1-24 (1) when proposing, adopting, or amending the rules of
 1-25 the Department of State Health Services, or the Health and Human
 1-26 Services Commission and when publishing new or amended reference
 1-27 materials, publications, or electronic media, the name of the
 1-28 Children with Special Health Care Needs Services Program should be
 1-29 changed to accurately reflect that the program provides services to
 1-30 persons other than children, including persons 21 years of age and
 1-31 older who have cystic fibrosis;

1-32 (2) as of January 31, 2015, persons not lawfully
 1-33 present in the United States constituted two-thirds the total
 1-34 number of persons served by the program;

1-35 (3) as of January 31, 2015, the program's waiting list
 1-36 for services consisted of 178 persons, more than half of whom were
 1-37 identified as persons not lawfully present in the United States;

1-38 (4) if because of financial limitations the program is
 1-39 unable to serve all persons eligible for services under the
 1-40 program, some persons placed on the program's waiting list may not
 1-41 receive the services;

1-42 (5) the only authority the state may exercise to
 1-43 address the limited availability of services when financial
 1-44 limitations exist is for the state to give priority for services to
 1-45 citizens of the United States who are on the program's waiting list;
 1-46 and

1-47 (6) it is the policy of this state that, when financial
 1-48 limitations restrict the number of persons served by the program,
 1-49 citizens of the United States who are on the program's waiting list
 1-50 for services should be given priority over persons not lawfully
 1-51 present in the United States.

1-52 SECTION 2. The heading to Chapter 35, Health and Safety
 1-53 Code, is amended to read as follows:

1-54 CHAPTER 35. TEXAS [~~CHILDREN WITH~~] SPECIAL HEALTH CARE NEEDS PROGRAM

1-55 SECTION 3. Section 35.001, Health and Safety Code, is
 1-56 amended to read as follows:

1-57 Sec. 35.001. SHORT TITLE; REFERENCE IN OTHER LAW. (a) This
 1-58 chapter may be cited as the Texas [~~Children with~~] Special Health
 1-59 Care Needs Program [~~Services~~] Act.

1-60 (b) A reference in other law to the Children with Special
 1-61 Health Care Needs Services Program means the program administered

2-1 under this chapter.

2-2 SECTION 4. Section 35.0021, Health and Safety Code, is
2-3 amended by adding Subdivision (6-a) and amending Subdivision (8) to
2-4 read as follows:

2-5 (6-a) "Person with special health care needs" has the
2-6 meaning assigned by Section 35.0022.

2-7 (8) "Program" means the services program for persons
2-8 [~~children~~] with special health care needs.

2-9 SECTION 5. Section 35.0022, Health and Safety Code, is
2-10 amended to read as follows:

2-11 Sec. 35.0022. PERSON [~~CHILD~~] WITH SPECIAL HEALTH CARE
2-12 NEEDS. (a) In this chapter, "person [~~child~~] with special health
2-13 care needs" means a person who:

2-14 (1) is younger than 21 years of age and who has a
2-15 chronic physical or developmental condition; or

2-16 (2) has cystic fibrosis, regardless of the person's
2-17 age.

2-18 (b) The term "person [~~child~~] with special health care
2-19 needs" may include a person who has a behavioral or emotional
2-20 condition that accompanies the person's physical or developmental
2-21 condition. The term does not include a person who has a behavioral
2-22 or emotional condition without having an accompanying physical or
2-23 developmental condition.

2-24 (c) A reference in this chapter to a "child with special
2-25 health care needs" means a "person with special health care needs"
2-26 and a reference to a "child" means a "person."

2-27 SECTION 6. The heading to Section 35.003, Health and Safety
2-28 Code, is amended to read as follows:

2-29 Sec. 35.003. SERVICES PROGRAM FOR PERSONS [~~CHILDREN~~] WITH
2-30 SPECIAL HEALTH CARE NEEDS.

2-31 SECTION 7. Section 35.003, Health and Safety Code, is
2-32 amended by amending Subsections (a) and (d) and adding Subsection
2-33 (c-1) to read as follows:

2-34 (a) The program is in the department to provide services to
2-35 eligible persons [~~children~~] with special health care needs. The
2-36 program shall provide:

2-37 (1) early identification of persons [~~children~~] with
2-38 special health care needs;

2-39 (2) diagnosis and evaluation of persons [~~children~~]
2-40 with special health care needs;

2-41 (3) rehabilitation services to persons [~~children~~]
2-42 with special health care needs;

2-43 (4) development and improvement of standards and
2-44 services for persons [~~children~~] with special health care needs;

2-45 (5) case management services;

2-46 (6) other family support services; and

2-47 (7) access to health benefits plan coverage under
2-48 Section 35.0031.

2-49 (c-1) To the extent allowed by federal law, the executive
2-50 commissioner shall adopt rules requiring the department to give
2-51 priority for services provided under the program to an eligible
2-52 person who is placed on a waiting list under Subsection (c) based on
2-53 the following criteria in order of importance:

2-54 (1) the acuity of the person's medical condition;

2-55 (2) whether the person is a United States citizen or a
2-56 qualified alien as that term is defined by 8 U.S.C. Section 1641(b);

2-57 (3) the amount of time the person has been on the
2-58 waiting list; and

2-59 (4) any other factors considered relevant by the
2-60 department.

2-61 (d) The program may provide:

2-62 (1) transportation and subsistence for an eligible
2-63 person [~~child~~] with special health care needs and the person's
2-64 [~~child's~~] parent, managing conservator, guardian, or other adult
2-65 caretaker approved by the program to obtain services provided by
2-66 the program; and

2-67 (2) the following services to an eligible person
2-68 [~~child~~] with special health care needs who dies in an approved
2-69 facility outside the person's [~~child's~~] municipality of residence

3-1 while receiving program services:

3-2 (A) the transportation of the person's [~~child's~~]
3-3 remains, and the transportation of a parent or other person
3-4 accompanying the remains, from the facility to the place of burial
3-5 in this state that is designated by the parent or other person
3-6 legally responsible for interment;

3-7 (B) the expense of embalming, if required for
3-8 transportation;

3-9 (C) the cost of a coffin purchased at a minimum
3-10 price, if a coffin is required for transportation; and

3-11 (D) any other necessary expenses directly
3-12 related to the care and return of the person's [~~child's~~]
3-13 remains to the place of burial in this state.

3-14 SECTION 8. The changes in law made by this Act apply to an
3-15 eligible person placed on a waiting list under Section 35.003(c),
3-16 Health and Safety Code, following an initial determination or
3-17 redetermination of the person's eligibility for services under
3-18 Chapter 35, Health and Safety Code, that is made on or after the
3-19 effective date of this Act.

3-20 SECTION 9. Not later than September 1, 2019, the name of the
3-21 Children with Special Health Care Needs Program operated under
3-22 Chapter 35, Health and Safety Code, must be updated in applicable
3-23 rules and reference materials, publications, and electronic media
3-24 to reflect the change in law made by this Act. Before that date, the
3-25 name of the program must be changed in applicable rules and
3-26 reference materials, publications, and electronic media only when
3-27 proposing, adopting, or amending the rules and when publishing new
3-28 or amended reference materials, publications, or electronic media.

3-29 SECTION 10. This Act takes effect September 1, 2015.

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