

1-1 By: González of El Paso, et al. H.B. No. 3287  
 1-2 (Senate Sponsor - Hughes)  
 1-3 (In the Senate - Received from the House May 5, 2021;  
 1-4 May 10, 2021, read first time and referred to Committee on Health &  
 1-5 Human Services; May 22, 2021, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-7 May 22, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 3287 By: Seliger

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to the provision of certain co-navigation services to  
 1-23 persons who are deaf-blind.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 81.001, Human Resources Code, is amended  
 1-26 by adding Subdivision (1) to read as follows:

1-27 (1) "Commission" means the Health and Human Services  
 1-28 Commission.

1-29 SECTION 2. Chapter 81, Human Resources Code, is amended by  
 1-30 adding Section 81.014 to read as follows:

1-31 Sec. 81.014. CO-NAVIGATION SERVICES PROGRAM FOR PERSONS WHO  
 1-32 ARE DEAF-BLIND. (a) In this section:

1-33 (1) "Communication mode" includes communication  
 1-34 through:

1-35 (A) auditory amplification, such as through a  
 1-36 personal hearing aid or assistive listening device;

1-37 (B) American Sign Language or Signed English by  
 1-38 both tactile and visual means; and

1-39 (C) protactile language.

1-40 (2) "Co-navigation services" means services provided  
 1-41 to a person who is deaf-blind that assist the person to physically  
 1-42 access the person's environment and to make informed decisions. The  
 1-43 term includes providing visual and environmental information or  
 1-44 sighted guide services and assisting with communication  
 1-45 accessibility by communicating in the preferred language and  
 1-46 communication mode of the person who is deaf-blind. The term does  
 1-47 not include performing any of the following for the person:

1-48 (A) providing personal care services to the  
 1-49 person;

1-50 (B) completing ordinary errands for the person;

1-51 (C) making decisions for the person;

1-52 (D) teaching or otherwise instructing the  
 1-53 person; or

1-54 (E) interpreting for the person in a formal  
 1-55 setting, including a medical, legal, or business setting.

1-56 (3) "Co-navigator" means a person who is specially  
 1-57 trained to provide co-navigation services.

1-58 (4) "Program" means the deaf-blind co-navigation  
 1-59 services program.

1-60 (5) "Protactile language" means a method of

2-1 communication based on touch that is used by persons who are  
2-2 deaf-blind.

2-3 (b) The commission shall operate a statewide co-navigation  
2-4 services program through which:

2-5 (1) co-navigation services are provided by  
2-6 co-navigators; and

2-7 (2) the commission reimburses the co-navigators for  
2-8 the provision of the services.

2-9 (c) The executive commissioner by rule shall establish  
2-10 reimbursement rates to be paid to a co-navigator under the program.  
2-11 The reimbursement rates must use a tiered wage scale that is based  
2-12 on the co-navigator's:

2-13 (1) level of training in communication modes for  
2-14 persons who are deaf-blind and in sighted guide-mobility  
2-15 techniques; and

2-16 (2) fluency and skill in communication modes and  
2-17 sighted guide-mobility for persons who are deaf-blind.

2-18 (d) The commission shall ensure that quality co-navigation  
2-19 services are provided under the program by:

2-20 (1) monitoring the compliance of co-navigators with  
2-21 program rules;

2-22 (2) developing funding sources for the program that  
2-23 are in addition to state sources and will reduce reliance on the  
2-24 state sources for continuation of the program; and

2-25 (3) providing funding and technical assistance for  
2-26 training programs for:

2-27 (A) co-navigators under the program; and

2-28 (B) persons who are deaf-blind to enable those  
2-29 persons to effectively use the services offered under the program.

2-30 (e) The executive commissioner may establish an advisory  
2-31 committee to advise the commission in developing and operating the  
2-32 program, including operating the program in a manner that ensures  
2-33 the efficient use of state money. Subject to Section 2110.002,  
2-34 Government Code, the executive commissioner shall determine the  
2-35 number of members serving on the advisory committee, which must  
2-36 include persons who are deaf-blind and other stakeholders.

2-37 (f) The executive commissioner may adopt rules necessary  
2-38 to:

2-39 (1) operate the program in a manner that is efficient  
2-40 and maximizes the number of persons served; and

2-41 (2) ensure that co-navigators receiving reimbursement  
2-42 under the program have adequate training to provide co-navigation  
2-43 services.

2-44 SECTION 3. Not later than September 1, 2022:

2-45 (1) the executive commissioner of the Health and Human  
2-46 Services Commission shall adopt rules necessary to implement  
2-47 Section 81.014, Human Resources Code, as added by this Act; and

2-48 (2) the commission shall begin operating the program  
2-49 required by that section.

2-50 SECTION 4. The Health and Human Services Commission is  
2-51 required to implement a provision of this Act only if the  
2-52 legislature appropriates money specifically for that purpose. If  
2-53 the legislature does not appropriate money specifically for that  
2-54 purpose, the commission may, but is not required to, implement a  
2-55 provision of this Act using other appropriations that are available  
2-56 for that purpose.

2-57 SECTION 5. This Act takes effect September 1, 2021.

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