

HUMAN RESOURCES CODE

TITLE 7. REHABILITATION OF INDIVIDUALS WITH DISABILITIES

CHAPTER 111. TEXAS REHABILITATION COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 111.001. PURPOSE. It is the policy of the State of Texas to provide rehabilitation and related services to eligible individuals with disabilities so that they may prepare for and engage in a gainful occupation or achieve maximum personal independence.

Acts 1979, 66th Leg., p. 2419, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1993, 73rd Leg., ch. 142, Sec. 2, eff. May 17, 1993.

Sec. 111.002. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Rehabilitation Commission.

(2) "Commissioner" means the chief administrative officer of the commission.

(3) "Individual with a disability" means any individual, except one whose disability is of a visual nature, who has a physical or mental impairment which constitutes a substantial impediment to employment, or to achieving maximum personal independence, but which is of a nature that rehabilitation services may be expected to enable the individual to engage in a gainful occupation or enable the individual to achieve a greater level of self-care and independent living.

(4) "Substantial impediment to employment" means a physical or mental impairment in light of attendant medical, psychological, vocational, educational, or other related factors that impedes an individual's occupational performance by preventing the individual from obtaining, retaining, or preparing for a gainful occupation consistent with the individual's capacities and abilities.

(5) "Rehabilitation services" means any equipment, supplies, goods, or services necessary to enable an individual with

a disability to engage in a gainful occupation or to achieve maximum personal independence. To enable an individual with a disability to engage in a gainful occupation or achieve maximum personal independence the commission may engage in or contract for activities, including but not limited to:

(A) evaluation of rehabilitation potential, including diagnostic and related services incidental to the determination of eligibility for services and the nature and scope of services to be provided;

(B) counseling and guidance;

(C) physical and mental restoration services necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive;

(D) training;

(E) maintenance for additional costs incurred while participating in rehabilitation services;

(F) transportation;

(G) placement in suitable employment;

(H) postemployment services necessary to maintain suitable employment;

(I) obtaining occupational licenses, including any license, permit, or other written authority required by a state, city, or other governmental unit to be obtained in order to enter an occupation or small business, and providing tools, equipment, initial stocks, goods, and supplies; and

(J) providing other equipment, supplies, services, or goods that can reasonably be expected to benefit an individual with a disability in terms of employment in a gainful occupation or achievement of maximum personal independence.

(6) "Vocational rehabilitation program" means a program that provides rehabilitation services required to enable an individual with a disability to engage in a gainful occupation.

(7) Repealed by Acts 2003, 78th Leg., ch. 198, Sec. 2.116(b); Acts 2003, 78th Leg., ch. 210, Sec. 2.

(8) "Board" means the board of the Texas Rehabilitation Commission.

Acts 1979, 66th Leg., p. 2419, ch. 842, art. 1, Sec. 1, eff. Sept. 1,

1979. Amended by Acts 1983, 68th Leg., p. 338, ch. 77, Sec. 1, eff. Jan. 1, 1984; Acts 1985, 69th Leg., ch. 603, Sec. 23, eff. Sept. 1, 1985; Acts 1987, 70th Leg., ch. 1052, Sec. 2.09, eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 142, Sec. 3, eff. May 17, 1993; Acts 1999, 76th Leg., ch. 393, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 198, Sec. 2.116(b), eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 210, Sec. 2, eff. Sept. 1, 2003.

#### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 111.011. TEXAS REHABILITATION COMMISSION. The Texas Rehabilitation Commission is composed of the board of the Texas Rehabilitation Commission, a commissioner, and other officers and employees required to efficiently carry out the purposes of this chapter.

Acts 1979, 66th Leg., p. 2420, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Sec. 111.012. SUNSET PROVISION. The Texas Rehabilitation Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011.

Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 479, Sec. 215, eff. Sept. 1, 1985; Acts 1985, 69th Leg., ch. 603, Sec. 22, eff. Sept. 1, 1985; Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 4.09, eff. Nov. 12, 1991; Acts 1999, 76th Leg., ch. 393, Sec. 2, eff. Sept. 1, 1999.

Sec. 111.013. COMPOSITION OF BOARD; APPOINTMENT; QUALIFICATIONS; TERMS. (a) The board of the Texas Rehabilitation Commission is composed of five members appointed by the governor with the advice and consent of the senate. Members serve for staggered terms of six years with the terms of one or two members expiring every two years.

(b) Appointees must be outstanding citizens of the state who are members of the general public and have demonstrated a constructive interest in rehabilitation services. Appointments to

the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees. A person is not eligible for appointment as a board member if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization regulated by the agency or receiving funds from the commission;

(2) owns, controls, or has, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the agency or receiving funds from the commission; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission.

(c) The governor shall designate one board member as presiding officer. The presiding officer serves in that capacity at the will of the governor.

Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 603, Sec. 1, eff. Sept. 1, 1985; Acts 1999, 76th Leg., ch. 393, Sec. 3, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1170, Sec. 39.01, eff. Sept. 1, 2003.

Sec. 111.0131. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualifications required by Section 111.013(b) for appointment to the board;

(2) does not maintain during service on the board the qualifications required by Section 111.013(b) for appointment to the board;

(3) is ineligible for membership under Section 111.013 or 111.025;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote

of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the commissioner has knowledge that a potential ground for removal exists, the commissioner shall notify the chairman of the board of the potential ground. The chairman of the board shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the commissioner shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Added by Acts 1985, 69th Leg., ch. 603, Sec. 2, eff. Sept. 1, 1985.

Amended by Acts 1999, 76th Leg., ch. 393, Sec. 4, eff. Sept. 1, 1999.

Sec. 111.0132. TRAINING OF BOARD MEMBERS. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission and the board;

(2) the programs operated by the commission;

(3) the role and functions of the commission;

(4) the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the commission;

(6) the results of the most recent formal audit of the commission;

(7) the requirements of:

(A) the open meetings law, Chapter 551, Government Code;

(B) the public information law, Chapter 552,

Government Code;

(C) the administrative procedure law, Chapter 2001, Government Code; and

(D) other laws relating to public officials, including conflict of interest laws; and

(8) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Added by Acts 1999, 76th Leg., ch. 393, Sec. 5, eff. Sept. 1, 1999.

Sec. 111.014. MEETINGS. (a) The board shall meet quarterly in regular session and on call by the presiding officer when necessary for the transaction of agency business.

(b) The board shall develop and implement policies that will provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 603, Sec. 3, eff. Sept. 1, 1985.

Sec. 111.015. PER DIEM AND EXPENSES. (a) Board members are entitled to reimbursement for actual and necessary expenses incurred in the discharge of their official duties and the compensatory per diem authorized by the General Appropriations Act for each day at an official meeting as authorized by the board.

(b) A member of the board who is disabled and who, because of the disability, requires special aids or travel attendants is entitled to reimbursement for the cost of the special aids or travel attendants.

Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 603, Sec. 4, eff. Sept. 1, 1985.

Sec. 111.016. REHABILITATION COUNCIL OF TEXAS. The Rehabilitation Council of Texas is created by this section in accordance with the federal Rehabilitation Act Amendments of 1992, Pub. L. 102-569, and the federal Rehabilitation Act Amendments of 1998, Pub. L. 105-220. The board shall adopt rules for the implementation of regulations and the administration of the council.

Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 603, Sec. 5, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 142, Sec. 4, eff. May 17, 1993; Acts 1999, 76th Leg., ch. 393, Sec. 6, eff. Sept. 1, 1999.

Sec. 111.0161. ADVISORY COMMITTEES REPORT TO BOARD.

(a) Each advisory committee established by law or rule to advise the commission shall report to and advise the board on the committee's activities and the results of the committee's work. For the purpose of performing its advisory functions, each committee shall work with the commissioner, the commission's staff, and the board.

(b) The board shall adopt rules to implement this section. Added by Acts 1999, 76th Leg., ch. 393, Sec. 7, eff. Sept. 1, 1999.

Text of section as amended by Acts 1999, 76th Leg., ch. 393, Sec. 8.

Sec. 111.017. COMMISSIONER. The commissioner is appointed by the board, with the approval of the governor, and serves at the pleasure of the board. The commissioner is the executive head of the agency.

Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 8.146, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 393, Sec. 8, eff. Sept. 1, 1999.

Text of section as amended by Acts 1999, 76th Leg., ch. 1460, Sec.

2.14

Sec. 111.017. COMMISSIONER. (a) This chapter is administered by the commissioner under operational policies

established by the commissioner of health and human services. The commissioner is employed by the commissioner of health and human services in accordance with Section 531.0056, Government Code, on the basis of education, training, experience, and demonstrated ability.

(b) The commissioner serves as secretary to the board, as well as chief administrative officer of the agency.

Acts 1979, 66th Leg., p. 2421, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 8.146, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1460, Sec. 2.14, eff. Sept. 1, 1999.

Sec. 111.018. ADMINISTRATIVE REGULATIONS AND POLICIES.

(a) The board shall:

(1) adopt policies and rules to effectively carry out the purposes of this chapter; and

(2) supervise the commissioner's administration of this chapter.

(b) In carrying out his or her duties under this chapter, the commissioner shall, with the approval of the board, implement policies addressing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations subject to this section as necessary to carry out the purposes of this chapter.

(c) The commissioner shall develop a career ladder program, one part of which must require the posting throughout the commission of all nonentry level positions concurrently with any public posting.

(d) The commissioner shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for employees must be based on the system established under this subsection.

(e) The board shall provide to its members and employees as often as is necessary information regarding their qualifications under this chapter and their responsibilities under applicable laws



relating to standards of conduct for state officers or employees.

(f) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the commissioner and staff of the commission. The board may delegate to the commissioner, or to a person acting as commissioner in the commissioner's absence, any power or duty imposed on the board or commission by law except that the board may not delegate the power to adopt rules. The delegation of a power or duty must be in writing. Any delegation of the board's authority must be adopted by the board in a public meeting.

(g) The commissioner or the commissioner's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the commission to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the commission's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(h) The policy statement must:

(1) be updated annually;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (g)(1); and

(3) be filed with the governor's office.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 603, Sec. 6, eff. Sept. 1, 1985; Acts 1999, 76th Leg., ch. 393, Sec. 9, eff. Sept. 1, 1999.

Sec. 111.019. PLANNING. The commission shall make long-range and intermediate plans for the scope and development of the program and make decisions regarding the allocation of

resources in carrying out the plans.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1999, 76th Leg., ch. 393, Sec. 10, eff. Sept. 1, 1999.

Sec. 111.020. ADMINISTRATIVE UNITS; PERSONNEL. (a) The commissioner shall, with the approval of the board, establish appropriate subordinate administrative units.

(b) The commissioner shall, under personnel policies adopted by the board, appoint the personnel, including a general counsel, necessary for the efficient performance of the functions of the agency.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1993, 73rd Leg., ch. 142, Sec. 5, eff. May 17, 1993.

Sec. 111.0205. WORK INCENTIVES AND SUPPLEMENTAL SECURITY INCOME (SSI). The commission shall employ a person at the commission's central office to:

(1) train counselors to understand and use work incentives; and

(2) review cases to ensure that commission clients are informed of the availability of and assisted in obtaining work incentives and Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.).

Added by Acts 1995, 74th Leg., ch. 655, Sec. 6.03, eff. Sept. 1, 1995.

Sec. 111.021. REPORTS. (a) The commissioner shall prepare and submit to the board annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of funds required for carrying out the purposes of this chapter.

(b) The board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding year. The form of

the annual report and the reporting time shall be that provided in the General Appropriations Act.

(c) The commission shall post on the Internet in an accessible format the reports required under this section and any other agency performance data required to be reported to this state or the federal government. If a report or performance data contains confidential information, the commission shall remove the confidential information before posting the report or performance data.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 603, Sec. 7, eff. Sept. 1, 1985; Acts 1999, 76th Leg., ch. 393, Sec. 11, eff. Sept. 1, 1999.

Sec. 111.022. DISBURSEMENT OF FUNDS. The commission shall make certification for disbursement, in accordance with regulations, of funds available for carrying out the purposes of this chapter.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1999, 76th Leg., ch. 393, Sec. 12, eff. Sept. 1, 1999.

Sec. 111.023. OTHER DUTIES. The board shall take other action as necessary or appropriate to carry out the purposes of this chapter.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1999, 76th Leg., ch. 393, Sec. 13, eff. Sept. 1, 1999.

Sec. 111.024. DELEGATION TO EMPLOYEES. The commissioner may, with the approval of the board, delegate to any officer or employee of the commission responsibilities of the commissioner as necessary to carry out the purposes of this chapter.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1999, 76th Leg., ch. 393, Sec. 14, eff. Sept. 1, 1999.

Sec. 111.025. RESTRICTIONS ON BOARD MEMBERSHIP AND

EMPLOYMENT. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the board and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of rehabilitation; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of rehabilitation.

(c) A person may not be a member of the board or act as the general counsel to the board or the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

Added by Acts 1985, 69th Leg., ch. 603, Sec. 8, eff. Sept. 1, 1985.

Amended by Acts 1987, 70th Leg., ch. 167, Sec. 2.19(19), eff. Sept.

1, 1987; Acts 1999, 76th Leg., ch. 393, Sec. 15, eff. Sept. 1, 1999.

Sec. 111.026. PUBLIC INTEREST INFORMATION; COMPLAINTS.

(a) The commission shall prepare information of public interest describing the functions of the commission and describing the commission's procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the general public and appropriate state agencies.

(b) The commission shall adopt rules establishing methods by which consumers and service recipients can be notified of the name, mailing address, and telephone number of the commission for

the purpose of directing complaints to the commission. The commission may provide for the notification through inclusion of the information:

(1) on each registration form, application, or written contract relating to participation in a program that is funded in any part by money derived from or through the commission;

(2) on a sign that is prominently displayed in the place of business of each person or entity engaging in a program that is funded in any part by money derived from or through the commission; or

(3) in a bill for service provided by a person or entity engaging in a program that is funded in any part by money derived from or through the commission.

(c) The commission shall maintain a file on each written complaint filed with the commission. The file must include:

(1) the name of the person who filed the complaint;

(2) the date the complaint is received by the commission;

(3) the subject matter of the complaint;

(4) the name of each person contacted in relation to the complaint;

(5) a summary of the results of the review or investigation of the complaint; and

(6) an explanation of the reason the file was closed if the agency closed the file without taking action other than to investigate the complaint.

(d) The commission shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the commission's policies and procedures relating to complaint investigation and resolution.

(e) The commission, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

Added by Acts 1985, 69th Leg., ch. 603, Sec. 9, eff. Sept. 1, 1985.  
Amended by Acts 1999, 76th Leg., ch. 393, Sec. 16, eff. Sept. 1,

1999.

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

Sec. 111.0505. POWERS AND DUTIES OF COMMISSIONER OF HEALTH AND HUMAN SERVICES. The commissioner of health and human services has the powers and duties relating to the commission and commissioner as provided by Section 531.0055, Government Code. To the extent a power or duty given to the commission or commissioner by this chapter or another law conflicts with Section 531.0055, Government Code, Section 531.0055 controls.

Added by Acts 1999, 76th Leg., ch. 1460, Sec. 2.15, eff. Sept. 1, 1999.

Sec. 111.051. COMMISSION AS PRINCIPAL AUTHORITY. The Texas Rehabilitation Commission is the principal authority in the state on rehabilitation of individuals with disabilities, except for those matters relating to individuals whose disabilities are of a visual nature. All other state agencies engaged in rehabilitation activities and related services to individuals whose disabilities are not of a visual nature shall coordinate those activities and services with the commission.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1993, 73rd Leg., ch. 142, Sec. 6, eff. May 17, 1993.

Sec. 111.052. GENERAL FUNCTIONS. (a) The commission shall, to the extent of resources available and priorities established by the board, provide rehabilitation services directly or through public or private resources to individuals determined by the commission to be eligible for the services under a vocational rehabilitation program or other program established to provide rehabilitative services.

(b) In carrying out the purposes of this chapter, the commission may:

(1) cooperate with other departments, agencies, political subdivisions, and institutions, both public and private, in providing the services authorized by this chapter to eligible

individuals, in studying the problems involved, and in planning, establishing, developing, and providing necessary or desirable programs, facilities, and services, including those jointly administered with state agencies;

(2) enter into reciprocal agreements with other states;

(3) establish or construct rehabilitation facilities and workshops, contract with or provide grants to agencies, organizations, or individuals as necessary to implement this chapter, make contracts or other arrangements with public and other nonprofit agencies, organizations, or institutions for the establishment of workshops and rehabilitation facilities, and operate facilities for carrying out the purposes of this chapter;

(4) conduct research and compile statistics relating to the provision of services to or the need for services by disabled individuals;

(5) provide for the establishment, supervision, management, and control of small business enterprises to be operated by individuals with significant disabilities where their operation will be improved through the management and supervision of the commission;

(6) contract with schools, hospitals, private industrial firms, and other agencies and with doctors, nurses, technicians, and other persons for training, physical restoration, transportation, and other rehabilitation services; and

(7) assess the statewide need for services necessary to prepare students with disabilities for a successful transition to employment, establish collaborative relationships with each school district with education service centers to the maximum extent possible within available resources, and develop strategies to assist vocational rehabilitation counselors in identifying and reaching students in need of transition planning.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 342, ch. 77, Sec. 2, eff. Jan. 1, 1984; Acts 1993, 73rd Leg., ch. 142, Sec. 7, eff. May 17, 1993; Acts 1999, 76th Leg., ch. 393, Sec. 17, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 198, Sec. 2.116(a), eff. Sept. 1, 2003;

Acts 2003, 78th Leg., ch. 210, Sec. 1, eff. Sept. 1, 2003.

Sec. 111.0525. COORDINATION WITH STATE AGENCIES.

(a) Repealed by Acts 2003, 78th Leg., ch. 198, Sec. 2.116(b); Acts 2003, 78th Leg., ch. 210, Sec. 2.

(b) The commission shall enter into an agreement with the Texas Department of Mental Health and Mental Retardation to reduce duplication and fragmentation of employment services by defining each agency's role and responsibilities for shared client populations.

(c) The commission shall establish a formal referral process with the Texas Workforce Commission to ensure that appropriate vocational rehabilitation clients are referred to and receive services provided by the Texas Workforce Commission or local workforce development agencies.

(d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 268, Sec. 32(f), eff. September 1, 2008.

Amended by Acts 2003, 78th Leg., ch. 198, Sec. 2.116(b), 2.132, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 210, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 13.10, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281, Sec. 4.08, eff. June 14, 2005.

Acts 2007, 80th Leg., R.S., Ch. 268, Sec. 32(f), eff. September 1, 2008.

Sec. 111.053. COOPERATION WITH THE FEDERAL GOVERNMENT.

(a) The commission shall make agreements, arrangements, or plans to cooperate with the federal government in carrying out the purposes of this chapter or of any federal statutes pertaining to rehabilitation, and to this end may adopt methods of administration that are found by the federal government to be necessary, and that are not contrary to existing state laws, for the proper and efficient operation of the agreements, arrangements, or plans for rehabilitation.

(b) To the extent resources are made available by the federal government, the commission may make agreements,



arrangements, or plans to cooperate with the federal government in carrying out the purposes of any federal statute pertaining to the disability determination function under the Social Security Act and to this end shall adopt methods of administration that are found by the federal government to be necessary to the disability determination function and that are not contrary to existing state laws.

Acts 1979, 66th Leg., p. 2422, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 343, ch. 77, Sec. 3, eff. Jan. 1, 1984.

Sec. 111.054. OBTAINING FEDERAL FUNDS. The commission may comply with any requirements necessary to obtain federal funds in the maximum amount and most advantageous proportion possible.

Acts 1979, 66th Leg., p. 2423, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Sec. 111.055. FINANCES. (a) All money paid to the commission under this chapter shall be deposited in the State Treasury and may be used only for the administration of this chapter.

(b) The financial transactions of the commission are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Acts 1979, 66th Leg., p. 2423, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 603, Sec. 10, eff. Sept. 1, 1985; Acts 1989, 71st Leg., ch. 584, Sec. 17, eff. Sept. 1, 1989.

Sec. 111.0553. PROCUREMENT METHODS. (a) The commission shall develop and, following review and approval by the board, implement agency-wide procurement procedures to:

(1) ensure compliance with the best-value purchasing requirements of Section 2155.144(c), Government Code;

(2) document that a best-value review of vendors has occurred;

(3) document the reasons for selecting a vendor;

(4) negotiate price discounts with high-volume

vendors;

(5) consolidate purchases with other agencies, including the Texas Department of Health and the comptroller, to achieve best value; and

(6) provide effective public notification to potential vendors of planned commission purchases.

(b) Nothing in this section shall be construed to limit the commission's ability to procure goods and services from persons with disabilities.

Added by Acts 1999, 76th Leg., ch. 393, Sec. 21, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 937, Sec. 1.96, eff. September 1, 2007.

Sec. 111.056. GIFTS AND DONATIONS TO THE COMMISSION. The commission may receive and use gifts and donations for carrying out the purposes of this chapter. No person may receive payment for solicitation of any funds.

Acts 1979, 66th Leg., p. 2424, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Sec. 111.057. UNLAWFUL USE OF LISTS OF NAMES. (a) Except for purposes directly connected with the administration of health and human service programs and in accordance with regulations, it is unlawful for a person to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, names of, or any information directly or indirectly derived from records concerning persons applying for or receiving health and human services.

(b) The commission is authorized to provide client and other information to and receive client and other information from any state agency for the purpose of increasing and enhancing services to clients and improving agency operations, except where federal law or regulations preclude such sharing.

(c) The commission shall adopt rules to carry out the purposes of this section.

Acts 1979, 66th Leg., p. 2424, ch. 842, art. 1, Sec. 1, eff. Sept. 1,

1979. Amended by Acts 1993, 73rd Leg., ch. 142, Sec. 9, eff. May 17, 1993.

Without reference to the amendment by Acts 1993, 73rd Leg., ch. 142, Sec. 10, this section was repealed by Acts 1993, 73rd Leg., ch. 790, Sec. 46(27), eff. Sept. 1, 1993.

Sec. 111.058. CRIMINAL CONVICTION RECORD INFORMATION.

(a) The commission may obtain criminal conviction record information from the pardons and paroles division and institutional division of the Texas Department of Criminal Justice and from the Texas Department of Public Safety if the conviction records relate to:

- (1) an applicant selected for employment with the commission;
- (2) an applicant for rehabilitation services; or
- (3) a client of the commission.

(b) The pardons and paroles division and institutional division of the Texas Department of Criminal Justice and the Texas Department of Public Safety upon request shall supply to the commission criminal conviction record information relating to applicants selected for employment with the commission, applicants for rehabilitation services, or clients of the commission. The commission shall treat all criminal conviction record information as privileged and confidential and for commission use only.

Added by Acts 1979, 66th Leg., p. 2435, ch. 842, art. 2, Sec. 7, eff. Sept. 1, 1979. Amended by Acts 1993, 73rd Leg., ch. 142, Sec. 10, eff. May 17, 1993.

Sec. 111.0581. CRIMINAL HISTORY RECORD INFORMATION.

(a) The board by rule shall establish criteria for denying a person's application for employment based on criminal history background information obtained pursuant to Section 411.117, Government Code.

(b) The commission shall treat all criminal history record information as privileged and confidential and for commission use only.

Added by Acts 1999, 76th Leg., ch. 393, Sec. 22, eff. Sept. 1, 1999.

Sec. 111.059. SUBROGATION. (a) In furnishing a person rehabilitation services, including medical care services, under this chapter, the commission is subrogated to the person's right of recovery from:

- (1) personal insurance;
- (2) another person for personal injury caused by the other person's negligence or wrongdoing; or
- (3) any other source.

(b) The commission's right of subrogation is limited to the cost of the services provided.

(c) The commissioner may totally or partially waive the commission's right of subrogation when the commissioner finds that enforcement would tend to defeat the purpose of rehabilitation.

(d) The commission may adopt rules for the enforcement of its right of subrogation.

Added by Acts 1983, 68th Leg., p. 344, ch. 77, Sec. 4, eff. Jan. 1, 1984.

Sec. 111.060. COMPREHENSIVE REHABILITATION FUND. (a) The comprehensive rehabilitation fund is created in the state treasury. Money in the fund is derived from court costs collected under Subchapter D, Chapter 102, Code of Criminal Procedure. Money in the fund may be appropriated only to the commission for the purposes provided by Section 111.052.

(b) The comptroller, on requisition by the commission, shall draw a warrant on the fund for the amount specified in that requisition for a use authorized in Section 111.052, except that the total of warrants issued during a state fiscal year may not exceed the amount appropriated for that fiscal year. At the end of each state fiscal year, the comptroller shall transfer to the General Revenue Fund any unexpended balance in the comprehensive rehabilitation fund that exceeds \$1.5 million.

(c) The court costs remitted to the comptroller and deposited in the state treasury pursuant to this section are dedicated to the commission.

(d) Repealed by Acts 2005, 79th Leg., Ch. 25, Sec. 2, eff.

May 9, 2005.

Added by Acts 1991, 72nd Leg., ch. 101, Sec. 2, eff. Sept. 1, 1991.

Amended by Acts 1993, 73rd Leg., ch. 142, Sec. 11, eff. May 17, 1993; Acts 2003, 78th Leg., ch. 198, Sec. 2.117, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 25, Sec. 1, eff. May 9, 2006.

Acts 2005, 79th Leg., Ch. 25, Sec. 2, eff. May 9, 2005.

Sec. 111.061. CONTRACT PAYMENT. The commission shall base payment under a contract for vocational rehabilitation services on outcome-based performance standards defined in the contract.

Added by Acts 1997, 75th Leg., ch. 928, Sec. 1, eff. Jan. 1, 1998.

#### SUBCHAPTER D. VOCATIONAL REHABILITATION SERVICES

Sec. 111.070. PROVISION OF SERVICES. (a) The board by rule shall establish and maintain guidelines for providing vocational rehabilitation services that are consistent with state and federal laws and regulations and that include:

(1) a system of organization for the delivery of vocational rehabilitation services statewide;

(2) eligibility requirements for vocational rehabilitation services;

(3) requirements for the rehabilitation planning process;

(4) the types of services that may be provided to a client through a vocational rehabilitation program; and

(5) requirements for client participation in the costs of vocational rehabilitation services, including documentation that a client has sought benefits for which the client is eligible from sources other than the commission and that may assist the client in obtaining vocational rehabilitation goods or services.

(b) The board shall annually assess the effectiveness of the state's vocational rehabilitation program.

Added by Acts 1999, 76th Leg., ch. 393, Sec. 23, eff. Sept. 1, 1999.

Sec. 111.071. TRAINING AND SUPERVISION OF COUNSELORS.

(a) The commission shall provide specific guidance to vocational rehabilitation counselors in:

(1) selecting vocational objectives according to a client's skills, experience, and knowledge;

(2) documenting a client's impediment to employment;

(3) selecting rehabilitation services that are reasonable and necessary to achieve a client's vocational objective;

(4) measuring client progress toward the vocational objective, including the documented, periodic evaluation of the client's rehabilitation and participation; and

(5) determining eligibility of employed and unemployed applicants for rehabilitation services using criteria defined by board rule to document whether a client is substantially underemployed or at risk of losing employment.

(b) The board by rule shall require monitoring and oversight of vocational rehabilitation counselor performance and decision making in accordance with this section.

Added by Acts 1999, 76th Leg., ch. 393, Sec. 23, eff. Sept. 1, 1999.

Sec. 111.072. CLIENT ORIENTATION MATERIALS. The commission shall develop and distribute at intake client orientation materials for the vocational rehabilitation program that include information on the commission's decision-making criteria.

Added by Acts 1999, 76th Leg., ch. 393, Sec. 23, eff. Sept. 1, 1999.