

CHAPTER 142

S.B. No. 407

AN ACT

relating to the rehabilitation of individuals with disabilities and the administration of the Texas Rehabilitation Commission.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading of Title 7, Human Resources Code, is amended to read as follows:

TITLE 7. REHABILITATION OF *INDIVIDUALS WITH DISABILITIES* [~~HANDICAPPED AND DISABLED~~]

SECTION 2. Section 111.001, Human Resources Code, is amended to read as follows:

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

SECTION 3. Section 111.002, Human Resources Code, is amended to read as follows:

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*" [~~"Handicapped individual"~~] means any individual, except one whose disability is of a visual nature, who has a physical or[,] mental impairment[,] ~~or learning disability~~] which constitutes a substantial *impediment* [~~handicap~~] to employment, or to achieving maximum personal independence, but which is of a nature that rehabilitation services may [~~reasonably~~] 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* [~~handicap~~] to employment" means a physical or[,] mental impairment[,] ~~or learning disability~~] 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 [~~a handicapped~~] individual *with a disability* to engage in a gainful occupation or to achieve maximum personal independence. To enable an [~~a handicapped~~] 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* [~~covering a handicapped individual's basic living expenses, including food, shelter, clothing, and other subsistence expenses necessary to support and derive the full benefit of the other rehabilitation services being provided~~];
 - (F) transportation;
 - (G) placement in [~~a~~] 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 [~~a handicapped~~] 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* ~~[a handicapped]~~ individual *with a disability* to engage in a gainful occupation.

(7) "Extended rehabilitation services program" means a program that provides rehabilitation services to *an* ~~[a severely handicapped]~~ individual *with a severe disability* who is not capable of entering the competitive labor market but who may achieve maximum personal independence through the provision of rehabilitation services.

~~[(8) "Learning disability" means a disability in one or more areas of oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, mathematics reasoning, or spelling that is not primarily the result of a visual handicap, hearing impairment, mental retardation, emotional disturbance, or an environmental, cultural, or economic disadvantage.]~~

SECTION 4. Section 111.016, Human Resources Code, is amended to read as follows:

Sec. 111.016. *REHABILITATION [CONSUMER] ADVISORY COUNCIL [COMMITTEE].* ~~[(a)] The Rehabilitation Advisory Council is created by this section in accordance with the federal Rehabilitation Act Amendments of 1992, Pub. L. 102-569. The board shall adopt rules for the implementation of regulations and the administration of the council [board shall appoint a consumer advisory committee to make recommendations for consideration by the board concerning any matter that the committee believes to be pertinent to the purposes of this chapter or on any matter submitted to the committee by the board.~~

~~[(b) The board shall adopt rules providing for the appointment of the consumer advisory committee and establishing for the committee the number of members, geographical representation, duties, powers, procedures, and times and manner of making recommendations to the board. The rules shall provide for an equitable representation of the major disability groups served by the commission.~~

~~[(c) The consumer advisory committee shall meet as provided by the rules of the board and on call of the board.~~

~~[(d) The members of the consumer advisory committee are entitled to compensatory per diem authorized by the General Appropriations Act for each day engaged in the performance of their duties as directed by the board and to reimbursement for actual and necessary expenses incurred in attending the official meetings of the consumer advisory committee.~~

~~[(e) A member of the consumer advisory committee 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.~~

~~[(f) To be eligible for appointment to the consumer advisory committee a person must have demonstrated an active and constructive interest in the rehabilitation of handicapped people].~~

SECTION 5. Subsection (b), Section 111.020, Human Resources Code, is amended to read as follows:

(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.

SECTION 6. Section 111.051, Human Resources Code, is amended to read as follows:

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

SECTION 7. Subsection (b), Section 111.052, Human Resources Code, is amended to read as follows:

(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 severely handicapped individuals 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) contract with a public or private agency to provide and pay for rehabilitative services under the extended rehabilitation services program, including *alternative* sheltered employment or community *integrated employment* [~~residence~~] for a person participating in the program.

SECTION 8. Section 111.052A, Human Resources Code, is repealed.

SECTION 9. Section 111.057, Human Resources Code, is amended to read as follows:

Sec. 111.057. UNLAWFUL USE OF LISTS OF NAMES. (a) Except for purposes directly connected with the administration of *health and human service programs* [~~the rehabilitation program~~] 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* [~~rehabilitation~~].

(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.*

SECTION 10. Section 111.058, Human Resources Code, is amended to read as follows:

Sec. 111.058. CRIMINAL CONVICTION [~~HISTORY~~] RECORD INFORMATION. (a) The commission may obtain criminal conviction [~~history~~] record information from the *pardons and paroles division and institutional division of the Texas Department of Criminal Justice* [~~Board of Pardons and Paroles, Texas Department of Corrections,~~] 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) [~~to~~] a client of the commission [~~agency~~].

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

SECTION 11. Section 111.060, Human Resources Code, is amended by adding Subsection (c) to read as follows:

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

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 15, 1993: Yeas 30, Nays 0; passed the House on April 30, 1993: Yeas 123, Nays 0, one present not voting.

Approved May 17, 1993.

Effective May 17, 1993.