

Transcript
House Committee on Human Services Hearing on HB 140
March 6, 2023

Committee Chair, Representative James Frank

So the chair lays out now House Bill 140 by Representative Mary González and recognizes Representative González to explain her bill.

Representative Mary González, Bill Sponsor

Good morning, everyone. Good morning Chairman and Vice Chair Representative Rose.

Representative Rose

Good morning.

Rep. Mary González

Thank you, Chairman, for the opportunity to lay out House Bill 140, a bill that you already voted out of committee last time unanimously and passed the House floor, but died in the Senate. It's a really important bill to the DeafBlind community and I'm really honored to be able to work with the community again to push this bill forward.

So members who are new to the committee, House Bill 140 will implement the recommendations from the Governor's Committee on People with Disabilities, establishing a Co-Navigator program, excuse me, establishing Co-Navigator program within the Health and Human Services Commission. Texas will join numerous other states in providing DeafBlind persons with services of trained personnel to convey environmental information as well as verbal and non-verbal interactions.

In Texas, there are 2,500 Texans who are DeafBlind: individuals with dual sensory loss of hearing and vision. And a small percentage of these are adults who strive to live as independently as possible and as a legislature, we want to fully endorse and support that.

However, there are barriers to participating activities that support living independently, activities that most of us take for granted. That is why this initiative in HB 140 is critical to supporting people who are DeafBlind. Many of these individuals are largely self-supporting and don't qualify for existing

services and as a result, we see little or no community access services. Instead, they must primarily rely on untrained and often unavailable volunteers, friends, and members—and family members.

So members, we have some wonderful witnesses who will share their story, but other than that, Mr. Chairman, I ask for favorable consideration of House Bill 140 and I reserve the right to close.

Rep. James Frank

All right. Well, thank you very much for bringing this. Members, any questions? All right, we look forward to testimony and you certainly have the right to close, or you'll be given that. The chair calls Hayley Broadway: Hayley Broadway, from the DeafBlind Service Center of Austin, registered for the bill. And ma'am, just so you know, we have on the dais while you're getting set up, we have Representative Manuel, Representative Campos, Representative Ramos, Representative Klick, Representative Frank, Representative Rose, and Representative Noble.

DeafBlind Witness Hayley Broadway (with non-testifying DeafBlind Witness Kim Powers standing alongside at the podium)

Hello, Committee. My name is Hayley Broadway, and I'm standing here with my colleague, Kim Powers. I will be the only one testifying today. The reason why Kim is here with me is because we use the Pro-Tactile language: it requires two individuals.

I am a DeafBlind mother, I have two teenage boys, and I also work as an educator and instructor in the community. I'm an instructor at Austin Community College, and also I support the statewide initiative on the Co-Navigator program.

I have been working over 15 years in this field, and we used to call this the SSP bill, you might be familiar with that. But because of the emergence and change and evolution in our community, we have called it now the Co-Navigator bill.

Sadly, Texas does not have any services providing co-navigating. There are covered services for people who qualify for Medicaid. There is a Medicaid waiver, different waivers like that, but people or individuals such as Kim and I don't qualify for any of those existing programs. We live independently, and we have autonomy in making our decisions. We'd like

to be able to work and to participate in our communities and do our daily living activities.

We're able to do this.

But now I'd like to give you several examples of my daily activities that have some barriers. I have to ride Cap Metro. This morning they would pick me up at 5:30 a.m. to get me here by 7:30 — but I said that was too early.

Committee Members

Lots of chuckles

Hayley Broadway

I canceled that ride because if I was to come on Cap Metro, I would probably get here to the Capitol by 6:30 a.m. That would mean I'd be waiting outside with no support or services. And so I decided to go ahead and come here this morning using a Lyft, and still as a common problem of daily living, I would have to deal with getting here, arriving, having services. Metro access drivers don't know how to communicate with DeafBlind individuals. Their texting system is not existent.

We function using three languages in the DeafBlind community. We use English, ASL, and ProTactile. Many people don't qualify for using these languages. Many of the services are unavailable to us in the language. We rely on volunteers, or we pay out of pocket for service providers. For example, every week I will pay over \$200 to \$300 personally using Lyft and Uber, or volunteer drivers for me that I am reimbursing them. Also, my son, the oldest, has special needs, which means every week he attends physical therapy and occupational therapy. I attend these with him. We travel all the way to Round Rock for his service providers. I do that every week, and I have a Co-Navigator that I pay out of pocket to do this activity. This is a great challenge because I am unable to just go independently by myself. I use a Co-Navigator to go with me to pick my son up from school. Then we travel to his appointments together, and there's been many years that I have felt like I have missed opportunities as a mother.

I am a mother. I am a fully engaged mother — but there are gaps. There are things that are missing from me because I'm not able to attend school events. I'm not able to participate in the Parent-Teacher Association or other kind of activities that are offered that normally we would engage in with our children. A CN, a Co-Navigator program here in Texas would allow

individuals like me who are independent and autonomous to navigate these situations. It could be something as simple as going to the grocery store or coming to the Capitol to testify, or family reunions, or any kind of school activities with our children. These would be covered by this program and fill in those gaps for us as citizens here in Texas. We want to be supportive of House Bill 140.

Please implement a statewide Co-Navigator program and project under the Health and Human Services Commission. Thank you to Representative Mary González for sponsoring our bill, and thank you to the committee, and thank you to Mr. Frank and all of the House and legislators and our lobbyists who have worked with us here and our interpreters too. Because without this team or community, we wouldn't be here today. And also as a final word, I would like to thank the Governor's Committee on People with Disabilities and their work for sponsoring this bill. Thank you so much.

Rep. James Frank

[Light applause from the audience.] We don't get applause up here [chuckle]. Thank y'all very much for your testimony. It really is amazing. Members, if you haven't seen that before, uhhh pretty phenomenal that that can happen. So very much appreciate your testimony. Members, any questions? Okay. Thank you very much. The only other one is testifying. Okay. Chair calls Ron Lucey from the Governor's Office, testifying on the bill.

Ron Lucey, Executive Director, Governor's Committee on People with Disabilities

Can I have the help of the clerk to pass out this report? Chairman Frank, honorable members of the House Human Services Committee. My name is Ron Lucey. I'm the executive director of the Texas Governor's Committee on People with Disabilities. And I'm here to testify as a resource on House Bill 140.

It's an honor to be here again to lay out our support for a policy that aligns with this bill. The report that's being handed out to you is our biennial report to the 88th Texas legislature.

Rep. James Frank

And I'm sorry, did you say you're on the bill or for the bill?

Dir. Ron Lucey

On. On, as a resource.

Rep. James Frank

Okay, very good. No, that's great. I just wanna make sure for the record that we were clear.

Dir. Ron Lucey

Yes, sir. Thank you. Okay. The report that's being handed out to you is our committee's biennial report to the 88th Texas legislature. It represents over a thousand hours of listening to the Texas disability community. And our 12 committee members appointed by Governor Abbott traveling across the state and holding public meetings. In that report, we have the 99 most important issues brought to us by Texans with disabilities. And in the executive summary, we highlight the two most important ones. We don't expect the legislature to read this report like a novel, but use it as reference for your bill development. Of those two most important priorities, the establishment of a Co-Navigator program with Health and Human Services clearly falls into the top two list for us.

Back, going back to 2016 ...

Rep. James Frank

I'm sorry, that's the top two out of 99.

Dir. Ron Lucey

Yes, sir.

Rep. James Frank

Very good.

Dir. Ron Lucey

In 2016, this issue was first brought to my attention when Governor Abbott directed his staff to meet with the Deaf Grassroots movement at the Capitol. And it was over 200 advocates on the south side of the Capitol that met with my staff and I to educate us about the challenges for Deaf Texans of the issues brought to our attention.

This issue, an SSP / Co-Navigator need that was being unmet in the state of Texas really touched our hearts in and inspired us to dig deep and do

some research on this. Our first SSP Co-Navigator report was issued in 2017 and we made a recommendation to the 85th legislative session on the establishment of this program. During the 86th session, this committee gave us some homework and asked us to go back and help develop eligibility guidelines, including economic guidelines for who would qualify for this program. And we went back and did that work and also issued an updated report in 2020 where we reaffirmed the demographics and statistics. You will find a link from our biennial report to a special Co-Navigator report on our website. And that report goes into a lot more detail if you wanna know about the population makeup of this program or the important differences between what's an American Sign Language Interpreter versus what's a Co-Navigator service.

A lot of the challenges that we heard from the previous witness could be addressed through an affordable Co-Navigator program where that person is duly trained to provide sighted guide for a person who's blind or has low vision and also ProTactile Interpreter services to help them access activities in the community that you or I may take for granted: going to the grocery store, paying your bills, attending a community meeting.

And we did our best to develop recommendations that would make this a very conservative lean program. It's our intent that the majority of the funds if this program is enacted would be used for direct services through a voucher program and that the program serves the vital needs of this community that are unmet.

I would say one of the strengths of the Governor's Committee on People with Disabilities is to listen to those populations that are underserved in our state. And this is a population that we've been listening to for quite some time. I want to say that Texas has an opportunity to lead in this space. We have heard from other states who have looked at past bills filed by this committee and have also looked at our report and they're also moving in their own states to establish a program. I'm frankly rooting for Texas. I hope that we'll beat them to it during this session and finally deliver a program that we can all be proud of to serve this small but vital population.

I'm here to take any questions that you have and thank you for your time.

Rep. James Frank

Thank you very much for your testimony. Members, any questions? And thank you for your service on the Governor's Task Force. Members, any questions? All right. What's that? All right. Okay. Thank you very much. Thank you very much. There's a number of other people that are signed up for the bill: Kim Powers, but not testifying Kim Powers with the DeafBlind Service Center of Austin; Jacqueline Orr for the bill; Keisha Rowe on the bill, actually that's HHSC; Stephen Olliman with Disability Rights Texas for the bill; Dennis Burrell with Coalition of Texans with Disabilities for the bill; and Kay Garamani with Texas Association of Community Health Plans also for the bill.

Is there anyone else in the committee room wishing to testify on for or against HB 140? Seeing none, public testimony is closed and the chair recognizes Representative González to close.

Rep. González

Thank you, Chairman. Members, you heard the wonderful testimony why this program is vital to supporting the DeafBlind community. Just so you know, the reason that the Governor's Committee is on is because they're an agency of the state; so they're not, you know, they have to be on. And I don't know if anybody has any questions, but it was pretty self-explanatory.

Rep. James Frank

Yeah, then thank you very much. And I appreciate it. And for those of y'all who've been on the committee a while, we heard this bill and there is a ton more support. We could be here and I appreciate you managing that process. We could be here for a long time doing that and it's not that it's not important. I just pretty sure this committee will, my guess is look favorably on this and appreciate you're working with us.

So, and also want to thank the interpreters, Kristen Lund and Carrie Barrett for helping make this possible as well. So if no other questions, then seeing none, I'm sorry, there we go. There's no objection. House Bill 140 be left pending. The chair, here's no objection. I'm sorry. Did you close?

Rep. González

I closed.

Rep. James Frank

You closed, she closed. It's okay, there's no objection. House Bill 140 be left pending. Chair, here's no objection. House Bill 140 is left pending, without objection.