

**COMMISSION FOR THE BLIND**

**1984**

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## SUMMARY

The Commission for the Blind, created in 1931, is currently active. The agency was established to administer all federal programs relating to the blind which were not the specific responsibility of another state agency, as well as to prevent serious visual loss and to provide assistance to visually disabled children and elderly citizens in becoming useful, productive and independent individuals. To accomplish this objective the agency conducts five programs. First, the agency assists blind and visually impaired adults in obtaining employment. Second, the agency administers the business enterprises program which provides employment for qualified blind persons managing food services in public and private buildings. In addition, vocational rehabilitation services are provided to individuals who are both blind and mentally retarded through the sunrise program. Specialized services not related to vocational rehabilitation are also available to the elderly blind and blind and visually handicapped children.

The need for each of the agency's responsibilities was analyzed, as well as the need to have a separate agency to administer federally-funded programs for the blind. The review concluded that there is a continuing need for the state to carry out current functions for the blind. This conclusion is based on the potential loss of approximately \$15 million dollars in federal funding to the state and the fact that an estimated 9,500 blind Texans would be denied vocational assistance. The need for a separate agency was also analyzed and it was concluded that there would be no significant benefits achieved by transferring the functions currently performed by the Commission for the Blind to another state agency. The review indicated that studies funded by the Rehabilitation Services Administration and the American Foundation for the Blind concluded that the strongest, most cost effective state agencies serving the blind are predominantly "independent" agencies which serve only the blind and visually handicapped. According to these studies, "independent" agencies have been shown to serve a more severely disabled population and to rehabilitate a greater percent of their clients. The federal government currently classifies 27 states as having agencies serving the blind which are either completely independent or organized as a division of a larger department with independent controls over budgets and a separate state plan. Also, Texas has had a separate agency for over 50 years. Lines of communication

with this type of client population, never easy to establish or maintain, could be severely damaged by changing the present structure.

In regard to the current operations of the agency, the review determined that while the agency is generally operated in an efficient and effective manner, there are changes which should be made in the event the legislature decides to continue the agency. An analysis of alternatives to the current practices of the agency did not identify any changes which offered substantial benefits without substantial disadvantages. One policy issue was identified that could offer potential benefits but would require additional state funding.

The changes which should be made if the agency is continued are set out below.

### **Approaches for Sunset Commission Consideration**

#### **I. MAINTAIN THE COMMISSION WITH MODIFICATIONS**

##### **A. Policy-making Structure**

- 1. The statute should be amended to require at least three of the nine members be blind or visually handicapped citizens.**

The State Commission for the Blind consists of nine commission members appointed by the governor and confirmed by the senate. Two of the members must be "reputable blind persons". Amending the commission's composition to include three blind or visually handicapped individuals would restore the historical ratio of blind individuals on the commission which existed from 1931 to 1979 and ensure a proper balance of interests affected by the agency's activities.

- 2. The present consumer advisory committee should be specified in statute.**

A review of the state statutes governing the Texas Department of Mental Health and Mental Retardation, the Department of Human Resources, and the Texas Department on Aging, revealed that these agencies were required by statute to establish advisory committees consisting of primarily service recipients or their families to provide advice on program planning, policies and service delivery. Although the Commission for the Blind does have a consumer advisory committee, it is not required by either state or federal law. Establishing a consumer advisory committee in state statute and requiring the board to adopt rules and regulations concerning size, geographical representation,

number of meetings, reporting requirements, and duties and responsibilities will ensure a continued means of public input similar to that required for other health and human service delivery agencies in Texas.

**3. The agency should adopt rules and regulations which clearly set out the composition, functions and responsibilities for both the Optometric and Medical Advisory Councils.**

(management improvement - non-statutory)

During the review, concerns were expressed by a number of optometrists related to the agency's policies regarding utilization of optometrists, ophthalmologists, and the extent optometrists are allowed to provide input into agency policy decisions. While the review indicated that the agency appears to have appropriate procedures in place for determining whether clients should be referred to ophthalmologists, and optometrists, it was determined that the optometric and medical advisory councils would both benefit by adopting written rules and regulations which clearly delineate the composition, purpose and operations of the two committees, improving communications between the agency and some of its primary service providers and ensuring the agency maximizes its use of the available technical expertise.

**4. The statute should be amended to provide per diem and travel reimbursement rates comparable to those authorized for similar health service agencies for commission and advisory council members.**

Currently, the agency is authorized to reimburse commission members and members of the commission's advisory committees only for actual and necessary expenses. However, board or commission members as well as members of advisory committees of other state agencies surveyed receive a compensatory per diem ranging from \$50 to \$150 per day in addition to travel reimbursement. Amending the statute to permit commission and advisory committee members to receive a compensatory per diem of \$50 per day for attendance at official meetings and reimbursing the travel expenses of advisory committee members at the same rate as for state employees would make the commission's per diem and travel reimbursement policies consistent with those of similar health service agencies.

B. Overall Administration

1. **The agency's statute should be amended to delete a number of obsolete administrative positions and outdated provisions relating to the executive director.**

The results of the review indicated a number of problems with the statutory language establishing the organizational structure of the commission including: 1) establishment of a large number of administrative positions which are not authorized in the appropriations bill and are obsolete; 2) assigning the director of the vocational rehabilitation program responsibilities which should be assigned to the commission or the executive director; and 3) not providing the executive director with the authority to appoint the deputy director. Amending the statute to address these problems would eliminate any potential conflicts based on the specific division of authority set up under the current statute.

2. **The agency's statute should be amended to authorize direct vendor purchases to provide services and equipment to clients.**

The review indicated that the procedures of processing the purchases through the State Purchasing and General Services Commission for open market purchasing delayed clients' ability to be employed, in some cases, from four to six weeks or more due to the length of time to process paperwork, receive bids, tabulate bids, award purchase orders, and actually receive the product. In several cases, the time lag has frustrated both clients and potential employers of these clients to the point where their actual employment was in jeopardy. Although the agency has negotiated an informal agreement with the State Purchasing and General Services Commission based on several attorney general opinions which have upheld the authority of the Texas Rehabilitation Commission to provide services and equipment to clients by direct vendor purchase, amending the statute to specifically exempt purchases of supplies, equipment and materials for clients from the general state purchasing procedures will ensure continuation of procedures which reduce agency costs and eliminate unnecessary delays in placing clients in jobs.

C. Evaluation of Programs

1. **The agency should take steps to ensure that the client loan program is fully utilized.** (management improvement - non-statutory)

The 67th Legislature granted the commission the authority to make low interest loans to help visually handicapped individuals to purchase technological devices to assist them in obtaining or holding a job. To fund this activity, the agency has earmarked \$150,000 from an endowment fund with a current balance of more than one million dollars. However, the review indicated the agency has not approved any applications for a loan under this program. Including information on the loan program in the agency's vocational rehabilitation manual and ensuring that all counselors and their supervisors receive adequate information concerning the client loan program guidelines and taking whatever additional steps are necessary to encourage utilization of these funds would improve the services available to the agency's clients.

2. **The agency should review its controls over similar benefits to ensure that the agency is fully utilizing other resources before spending TCB funds.** (management-improvement; non-statutory)

Federal and state regulations require that the agency to fully utilize other resources to which clients are entitled before spending TCB funds to purchase needed medical services. These resources referred to as, "similar benefits", include contributions by the client, private health insurance, medicaid and medicare, workers' compensation, and services offered by other state agencies such as the health department. The review indicated there were inconsistencies in practices and monitoring methods used by the agency's field staff to prevent overpayment by the commission. Since the commission's expenditures for hospitalization and surgery or medical treatment amounted to over \$2 million, requiring the agency to review controls over similar benefits use and client contributions will maximize the total amount of medical services available to TCB clients.

3. **The agency should discontinue direct involvement in the talking book program, and transfer this function to the Texas State Library and Archives Commission, in accordance with state law.** (management improvement - non-statutory)

Article 91.082 of the Human Resources code authorizes the Texas State Library and Archives Commission to establish and operate a central media depository to provide materials and equipment for blind and visually handicapped individuals. Due to space limitations the library ceded responsibility for certification of program eligibility, storage, distribution and repair of tape machines to the blind commission. Since the library now indicates it has the space to accommodate these functions, transferring these responsibilities back to the library will eliminate any unnecessary duplication and reduce the number of state agencies program participants must deal with.

**D. Public Participation**

1. **The statute should be amended to require the commission to develop and adopt formal policies and procedures in agency rules for the administration of the commission's programs.**

Historically, the agency has operated programs according to policies and procedures which had not been formally adopted as rules in accordance with the Administrative Procedures Act. Adoption of formal rules would ensure compliance with state and federal law, adequate guidance and consistent treatment of clients, and provide increased public participation.

**II. OTHER POLICY CONSIDERATIONS**

1. **Should additional state funds be appropriated to fund services to the state's elderly blind.**

The elderly blind represent 64 percent of the state's total blind and severely visually impaired population, yet funding for this population represents only four percent of the Commission for the Blind's total budget in fiscal year 1984. Over 80 percent of the commission's budget is federal funds designated for vocational rehabilitation services for individuals primarily under the age of 55. Although the commission expects to be able to serve an additional 525 elderly blind individuals with the \$272,146 previously earmarked for a contract

for services with the Texas Lions Camp in Kerrville, Texas, the commission will still only be serving one percent of the total elderly blind population. However, in order to serve a larger portion of this population a significant increase in general revenue funds would be required. It is anticipated that at least some of this additional cost would be offset since fewer individuals would require costly long-term institutional care.



## **AGENCY EVALUATION**

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The review of the current operations of an agency is based on several criteria contained in the Sunset Act. The analysis made under these criteria is intended to give answers to the following basic questions:

1. Does the policy-making structure of the agency fairly reflect the interests served by the agency?
  2. Does the agency operate efficiently?
  3. Has the agency been effective in meeting its statutory requirements?
  4. Do the agency's programs overlap or duplicate programs of other agencies to a degree that presents serious problems?
  5. Is the agency carrying out only those programs authorized by the legislature?
  6. If the agency is abolished, could the state reasonably expect federal intervention or a substantial loss of federal funds?
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## BACKGROUND

### Organization and Objectives

The Commission for the Blind was created in 1931 and is currently active. The commission is composed of nine members who are appointed by the governor and confirmed by the senate. All members must be Texas citizens and two must be "reputable blind persons." Members are appointed for six-year staggered terms with no limit on the number of terms.

Three consultation committees have been established by statute and/or rule to serve in an advisory capacity to the board. The consumer advisory committee currently consisting of 16 members was created in 1976 to ensure interested citizens, and particularly direct beneficiaries of TCB programs, provide input regarding the way the rehabilitation program is administered and structured. The Optometric and Medical Advisory Councils were established to provide technical expertise on matters related to medical services to clients and to maintain a constructive relationship with some of the agency's primary service providers.

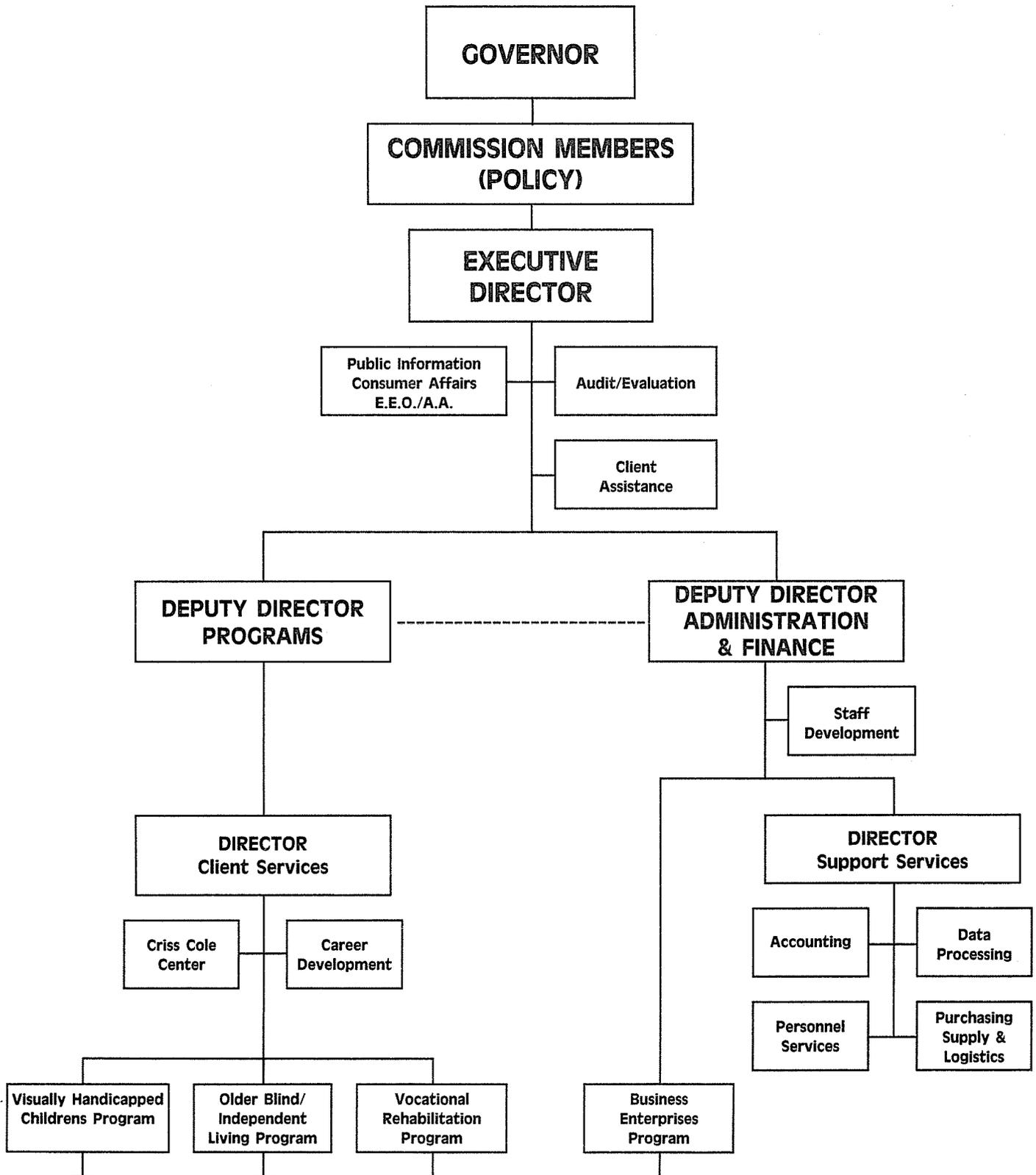
In fiscal year 1984, the commission is authorized 423 employees and a budget of \$17 million. Thirty-six percent of the agency's funds are appropriated from general revenue, 60 percent from federal funds and four percent from other sources. The agency has a central office located in Austin and 24 district offices located throughout the state. The agency's organizational structure is depicted in Exhibit 1. There are estimated to be approximately 174,000 blind or severely visually impaired citizens in Texas. Of that number the commission served approximately 35,000 individuals during fiscal year 1983.

The commission was originally created in 1931 to prevent serious visual loss and to provide assistance to the visually disabled in become useful, productive and independent individuals. Prior to that time, state services for the blind and visually disabled citizens of the state were limited primarily to the Texas School for the Blind which offered an educational program for school age blind children. From 1931 to 1944, the commission provided limited services in the area of home teaching, sheltered workshop employment, selective placement, and medical assistance to restore or conserve the sight of both children and adults.

In 1944, the commission's responsibilities were broadened significantly when the agency was authorized to administer the vocational rehabilitation program for the blind, previously administered by the State Department of Education, now known as the Texas Education Agency. This program was made possible by the

Exhibit 1  
**TEXAS STATE COMMISSION FOR THE BLIND  
 ORGANIZATIONAL AND FUNCTIONAL CHART**

JULY 1984



Abilene · Amarillo · Austin · Beaumont · Bryan · Corpus Christi · Dallas · El Paso · Fort Worth · Galveston  
 Harlingen · Houston · Laredo · Lubbock · Lufkin · Odessa · Pasadena · San Angelo · San Antonio · Texarkana · Tyler  
 Victoria · Waco · Wichita Falls

passage of federal legislation which provided federal matching funds to states instituting such a program.

The authority of the commission was again broadened in the sixties with the passage of several bills by the legislature. Services of the commission were expanded to include: serving persons with progressive visual conditions which could constitute a substantial vocational handicap, establishing vending stands in state-owned and operated buildings and properties; and certifying clients of the commission as meeting requirements for exemption from tuition and fees in state-supported institutions of higher education. During this time, the Commission for the Blind was designated as the single state agency with primary responsibility for providing services to visually handicapped persons while the Texas Rehabilitation Commission was created to carry out vocational rehabilitation activities previously performed by the Texas Education Agency.

Currently, the majority of the commission's activities are associated with programs which are approved for federal funding under the Rehabilitation Act of 1973 (Title I), and the Randolph Sheppard Act, C.F.R. (Title 45). The funds are allocated to the commission by the U.S. Department of Education. Federally funded programs administered by the commission include the vocational rehabilitation program, the business enterprise program and the sunrise program, a program for individuals who are both blind and mentally retarded. Major program areas funded primarily by general revenue funds include the visually handicapped children's program and services to older blind persons. The commission also shares responsibility with the state library for administering the talking book program. The objectives of these programs and the activities established to carry them out are summarized below.

#### Vocational Rehabilitation

The major objective of the vocational rehabilitation program is to assist blind and visually impaired adults in obtaining and/or maintaining gainful employment. Eighty percent of program costs are funded by federal dollars and the remaining twenty percent is paid from general revenue funds. During fiscal year 1983, the agency spent approximately eight million dollars in federal funds, one million dollars in state funds, and \$38,000 from other sources to carry out functions under the vocational rehabilitation program. Of that amount, the agency reports approximately one million dollars was spent in administrative costs and eight million dollars in service delivery. As a condition to receipt of federal funds under

Title I of the Rehabilitation Act, the agency is required to administer the program in accordance with the state plan, the federal act, and federal regulations, policies, and procedures.

To be eligible for services, an individual's blindness or visual impairment must constitute a substantial handicap to employment and there must be a reasonable expectation that services provided will benefit the individual in terms of employability. The primary purpose of the program is to make clients job ready, either through the prevention of serious visual loss and/or vocational training, and to find suitable employment for them. Program staff are primarily responsible for ensuring that applicants meet federal eligibility requirements, determining what services are needed, purchasing these services, counseling clients and their families, finding an appropriate job placement and following up to ensure a smooth transition to the workplace.

The process begins with contact with one of the agency's 52 vocational rehabilitation counselors, located throughout the state in 24 district offices. The agency receives referrals from several sources including ophthalmologists, optometrists, local support organizations such as Lions Clubs, and potential clients or their families. Upon referral counselors are required by federal regulation to make the following determinations: 1) whether an individual is eligible for services based on medical and diagnostic information including an eye examination, a general physical, and a psychological evaluation; 2) whether the client, based on the family's income level and resources can pay for some portion of the costs of rehabilitation; and 3) whether the client is eligible for services or benefits available through other programs. Cases which result in a diagnosis of physical or mental handicap, but not a visual disorder, are referred to the Texas Rehabilitation Commission. Legally blind applicants with mental retardation are referred to the agency's Sunrise Program.

The agency has established a policy in accordance with federal guidelines concerning priority for selection of services which ensures that the most severely handicapped persons receive services during periods of limited funding. The order of priority is: permanently, legally or totally blind clients, clients in imminent danger of permanent blindness; and public safety officers whose visually handicapping condition was sustained in the line of duty. As a result of these priorities the proportion of severely handicapped individuals served by the agency has risen from 49 percent to 55 percent between 1978 and 1983.

In determining eligibility, a diagnostic study must be made to evaluate whether there is both a substantial handicap to employment and rehabilitation potential. The counselor is responsible for obtaining whatever medical and psychological data are necessary to thoroughly appraise the disability. In addition to results of a general physical examination required in every case, needed diagnostic information may include reports of medical specialist examinations, and psychological or vocational testing. When existing data from past examinations is insufficient, the counselor is authorized to purchase needed diagnostic services. Based on review of all pertinent information obtained, the counselor makes the determination of eligibility. Commission policy requires that the factors considered in establishing eligibility must be fully documented in the case record. If an applicant is found ineligible, the counselor must notify the individual in writing stating the reasons for the decision, and informing the applicant of agency appeal procedures. In fiscal year 1983, of 4,736 individuals who applied for VR services, 2,153 were determined eligible for the program. Of 2,583 applicants found ineligible, less than 25 appealed that determination.

Once eligibility for services is certified, the VR counselor develops a program plan for the client to determine the nature and scope of services. In order to provide services which are tailor-made to the individual, the VR counselor develops, with the client, an individual written rehabilitation program (IWRP) which specifies the means and the time frames for achieving specific steps towards the goal. The IWRP satisfies the federal requirement for a written record of the rehabilitation program, facilitates communication between the client and the counselor, ensures that the rights of the clients are protected, and measures the progress of the client in achieving the long range goal. The agency indicates that clients are encouraged to actively participate in developing their IWRP and that they are routinely informed of procedures to appeal any decision concerning their rehabilitation plan if they are dissatisfied.

In developing the IWRP, the counselor also identifies who will pay for planned services. In some cases the client may be required to participate in the cost of services. Although agency regulations provide that economic need is not a requirement for eligibility for rehabilitation services, economic need is considered in determining the portion of service costs, if any, to be paid by the client. Where the client's income or liquid assets exceed monthly "basic living requirements" established by the commission, the client must participate in the costs of services.

Program regulations also require that the agency consider any "similar benefits" or financial assistance available to the client under any other program to meet, in whole or in part, the cost of any services outlined in the IWRP. The counselor is responsible for encouraging and assisting VR clients to seek other resources to which they are entitled under such programs as medicare and medicaid, state and county hospitals, private health insurance, workmen's compensation or veterans benefits, and college loans and scholarships. Exhibit 2 provides a more complete listing of types of similar benefits considered. The counselor must fully consider such alternative funding sources and the client's ability to pay prior to expending commission funds to purchase client services.

A number of services can be provided by the commission in the course of a rehabilitation program. In addition to services routinely provided such as the evaluation of rehabilitation potential and counseling, guidance and referral, the agency also provides a number of other services. The most commonly provided services include: physical restoration services such as medical treatment, surgery and hospitalization; assistive devices such as glasses, optacons, and braille writers; and vocational training in a trade, business school, college, rehabilitation center or on-the-job situations. A detailed explanation of the type of services available and the funds expended in 1983 are shown in Exhibit 3.

The method of selecting service providers varies depending on the type of service being purchased. For example, in purchasing medical services, physicians or therapists are selected on the basis of such factors as pre-existing professional-client relationship, proximity to the client, and willingness to accept the limitations of the established maximum payment for the service. Counselors are authorized to pay the medical provider's usual and customary fee not to exceed the commission's maximum affordable payment schedule, MAPS, which establishes the maximum fees the agency will pay for specified medical services.

In addition to arranging and coordinating the provision of medical, training and other services the counselor is responsible for assisting the client throughout the rehabilitation process. The counselor provides counseling and guidance, for example, in making vocational choices, and monitors the provision of services and the client's progress. The frequency of contact is at the discretion of each counselor and varies depending on the complexity of the case, the type of disability, and the client's adjustment. On average, during the rehabilitation process, the agency reports that a VR counselor has contact with clients twice a

Exhibit 2

**SIMILAR BENEFIT PROGRAMS AND OTHER RESOURCES**

Administering Agency	Program	Primary Services	Eligibility Criteria	Primary Funding
<b>A. FEDERAL</b>				
Department of Education	Student Financial Aid/(Basic Education Opportunity Grant BEOG)	* Financial aid in form of yearly grant	* Undergraduate student * Attend eligible program at eligible institution at least half-time	FEDERAL
	Supplemental Educational Opportunity Grant (SEOG)	* Financial aid in form of grant	* Vocational or undergraduate students of exceptional financial need	FEDERAL
Public Housing Administration (PHA)	Housing Assistance Program - Section 8	* Rent subsidy	* Low income families, and elderly individuals	FEDERAL
Veteran's Administration Office	Veteran's Benefits	* Hospitalization and medical care * Educational Assistance * Vocational rehabilitation * Pensions and Compensation * Housing Loans	* Former member of armed services * Discharge must be other than dishonorable	FEDERAL * Also Administered by: Local Veterans County; any Texas veterans affairs field office
Department of Health and Human Services	Medicare	* Health insurance program consisting of two types of coverage: A. Hospitalization B. Medical	* Most persons age 65 or over * Disabled persons who have been entitled to SSDI benefits for 24 consecutive months * Persons requiring kidney transplants or dialysis	* FEDERAL (Title XVIII of Social Security Act)
	SSI (Supplemental Security Income)	* Financial aid in form of monthly checks	* Aged (over 65), blind, or disabled * Meet income guidelines	FEDERAL

**Exhibit 2**  
**SIMILAR BENEFIT PROGRAMS AND OTHER RESOURCES**  
(Cont.)

Administering Agency	Program	Primary Services	Eligibility Criteria	Primary Funding
Department of Health and Human Services (cont.)	SSDI (Social Security Disability Insurance)	* Financial aid in form of monthly checks	* Technical eligibility (proof of age, work history, proof of relationship) * Disability determination	FEDERAL
<b>B. STATE</b>				
Department of Human Resources (DHR)	AFDC (Aid to families with dependent children)	* Financial aid in form of monthly checks	* Eligible children deprived of parental support * Families with children who lack support of parent	* STATE * FEDERAL (Title IV -A of Social Security Act) * AFDC recipients automatically eligible for Medicaid payments, WIN, and job training through CETA. Children under 21 eligible for EPSDT program
	Food Stamps	* Food stamps to be used at approved stores to purchase <u>food</u> items	* Depends on income of household (after deductions) in conjunction with size of house-hold	* STATE * Federal (USDA)
	Medicaid	Reimbursement for: * Medical assistance * Nursing Home Care	* Individuals receiving AFDC payments * Children in an approved foster care plan * SSI recipients * Individuals residing in Title XIX approved facilities	* STATE * FEDERAL (Title XIX of Social Security Act)

**Exhibit 2**  
**SIMILAR BENEFIT PROGRAMS AND OTHER RESOURCES**  
(Cont.)

Administering Agency	Program	Primary Services	Eligibility Criteria	Primary Funding
DHR (cont.)	Title XX Social Services	<ul style="list-style-type: none"> <li>* Community care for aged, blind and disabled</li> <li>* Adult protective services</li> <li>* Child protective services</li> <li>* Family planning services</li> <li>* Day care and foster care</li> </ul>	<ul style="list-style-type: none"> <li>* Some services available <u>without</u> regard to income</li> <li>* Some services available <u>with</u> regard to income</li> </ul>	<ul style="list-style-type: none"> <li>* STATE</li> <li>* FEDERAL ( Title XX of Social Security Act)</li> </ul>
	WIN (Work Incentive) Program	<ul style="list-style-type: none"> <li>* Job training</li> <li>* Social Services</li> <li>* Day care and child care services</li> </ul>	<ul style="list-style-type: none"> <li>* AFDC recipient</li> </ul>	<ul style="list-style-type: none"> <li>STATE</li> </ul>
19 Texas Education Agency (TEA)	Special Education Services	<ul style="list-style-type: none"> <li>* Special Education</li> <li>* Related services</li> </ul>	<ul style="list-style-type: none"> <li>* Children with a handicap requiring special provisions</li> <li>* Age range of eligible blind and deaf-blind students is 0-22, inclusive</li> </ul>	<ul style="list-style-type: none"> <li>* LOCAL</li> <li>* STATE</li> <li>* FEDERAL</li> </ul>
Texas Department of Community Affairs (TDCA)	CAA/LPA (Community Action Agency/ Limited Purpose Agency)	Services vary, but may include: <ul style="list-style-type: none"> <li>* Head Start programs</li> <li>* Information and Referral</li> <li>* Transportation</li> <li>* Emergency Food and Medical Services</li> <li>* Legal Services</li> <li>* Community Food and Nutrition/ Food Stamp Outreach</li> </ul>	<ul style="list-style-type: none"> <li>* Economically Disadvantaged</li> </ul>	<ul style="list-style-type: none"> <li>* STATE</li> <li>* LOCAL</li> <li>* FEDERAL</li> </ul>

**Exhibit 2**  
**SIMILAR BENEFIT PROGRAMS AND OTHER RESOURCES**  
(Cont.)

Administering Agency	Program	Primary Services	Eligibility Criteria	Primary Funding
Texas Industrial Accident Board	Worker's Compensation	* Compensation and medical care for employees injured on the job	* Workers injured in course of their employment whose employers subscribe to worker's compensation insurance	STATE
Texas Department of Health (TDH)	Crippled Children's Services	* Physical restoration (including Ortho., cancer, hearing)	* Children with physical impairment	STATE
Texas Department of Mental Health and Mental Retardation	Community MH/MR Services	* Counseling * Day Care * Respite Care * Short-term residential treatment * Sheltered Work * Outreach program	* Diagnosed MHMR individual * Mentally retarded children	* STATE * COUNTY
Texas Employment Commission (TEC)	Unemployment Insurance	* Compensation to workers for portion of wage loss	Worker must be: * Unemployed * Physically able to work * Available * Actively seeking work * Registered for work with TEC office	* STATE * FEDERAL
	CETA (Comprehensive Employment and Training Act) program	* Job Training * Employment Opportunities	* Economically disadvantaged * Unemployed * Underemployed	* LOCAL * STATE * FEDERAL

**Exhibit 2**  
**SIMILAR BENEFIT PROGRAMS AND OTHER RESOURCES**  
(Cont.)

Administering Agency	Program	Primary Services	Eligibility Criteria	Primary Funding	
C. OTHER Mutual of Omaha Insurance Company	Champus (Civilian Health and Medical Program of the Uniformed Services)	* Medical Insurance	* Spouse or child of active duty member of uniformed service * Retired member of uniformed service and dependents	FEDERAL	
Independent Companies	Insurance	Insurance	* Medical Insurance	* Vary widely among companies	* PRIVATE

**Exhibit 3**

**VOCATIONAL REHABILITATION SERVICES PROVIDED BY THE TEXAS COMMISSION FOR THE BLIND**

SERVICES	FY 1983		SERVICE DESCRIPTION		
	FUNDS EXPENDED	NO. CLIENTS SERVED	PURPOSE	EXAMPLES	PROVIDERS
1. Evaluation of Rehabilitation Potential	\$ 710,515.88	6004	Determine eligibility and  Determine nature and scope of rehabilitation services for clients	1) General physical examination, 2) eye examination, and 3) Psychological 4) Additional medical examinations to identify secondary handicaps 5) Vocational evaluations to identify client's work tolerance, ability to acquire job skills, and patterns of work behavior	1) Physicians 2) Optometrists or ophthalmologists, and 3) Psychologists 4) Specialists such as internists and cardiologists 5) Rehabilitation centers such as Lighthouses for the Blind or Criss Cole
2. Counseling and Guidance	\$ 3,492,734.06	9,264 (includes clients for #7 and #13)	On-going service throughout rehabilitation process to assist clients, their families, and employers	1) Referrals to other agencies or community organizations for services; setting vocational goals, vocational adjustment, and 2) Personal problems	TCB vocational rehabilitation counselors, and  Professional counselors and psychologists

Exhibit 3

VOCATIONAL REHABILITATION SERVICES PROVIDED BY THE TEXAS COMMISSION FOR THE BLIND  
(Cont.)

SERVICES	FY 1983		SERVICE DESCRIPTION		
	FUNDS EXPENDED	NO. CLIENTS SERVED	PURPOSE	EXAMPLES	PROVIDERS
3. Physical and Mental Retardation	2,801,526.66	2,142	To enable client to enter or retain employment by eliminating functional limitations	1) Medical services, surgery, 2) diagnosis and treatment of mental or emotional disorders, 3) dental works, 4) prosthetics or other assistive devices, 5) eye glasses, 6) therapy: physical, speech, hearing	1) Private physicians or medical schools, 2) TD-MHMR or psychologists, 3) private dentists or dental schools, 4) private opticals and University of Houston - School of Optometry, 6) specialist such as physical and speech therapist
4. Transportation	72,857.26	562	To assist and ensure client participation in rehabilitation process	Fares or travel costs to use public or private conveyances, and relocation and moving expenses through moving companies	TCB funds cash payments either directly to client or to vendor
5. Services to Family Members	1,226.00	7	To increase the effectiveness of the VR process for the client	1) Counseling and guidance 2) Transportation or expenses for spouse to be with client during medical treatment such as hotel, etc.	1) VR counselor 2) TCB funds cash payments either directly to client or to vendor
6. Interpreter Services	Included in Item 12	Included in Item 12	To assist and ensure participation of a deaf applicant or client	To communicate with medical personnel	Interpreters certified by the Registry of Interpreters

Exhibit 3

VOCATIONAL REHABILITATION SERVICES PROVIDED BY THE TEXAS COMMISSION FOR THE BLIND  
(Cont.)

SERVICES	FY 1983		SERVICE DESCRIPTION		
	FUNDS EXPENDED	NO. CLIENTS SERVED	PURPOSE	EXAMPLES	PROVIDERS
7. Rehabilitation Teaching	1,092,111.34	Included in #2	To evaluate and develop client skills to function independently at home, in the community, and in a vocational setting	Training in: personal management, home management, communication skills (such as braille), use of low vision aids, orientation and mobility, social skills, pre-vocational skills, and utilization of community resources	TCB employs 32 rehabilitation teachers located in district offices throughout the state
8. Orientation and Mobility	146,383.23	392	To ensure the client is able to move about in his environment and safely, efficiently, and independently	Independent travel skills, including the use of long cane, crossing streets, traveling in business districts and residential areas	O&M specialists employed by rehabilitation centers or independent. (TCB considers an individual to be an O&M specialist if they are certified by an organization recognized for this function or has a degree in O&M from an accredited college or university)
9. Readers	171,344.12	248	To make printed material accessible to totally or legally blind clients	Academic or vocational training	Individuals hired by the client for a negotiated fee based on the complexity of the reading material
10. Telecommunications, sensory, and other technological aids and devices	Included in Item 12	Included in Item 12	To provide special devices to assist clients in training, employment, and job opportunities	Devices include any electronic, computer-based, or mechanical equipment such as braille writers, audio reading machines, tape recorders, or closed circuit television reading systems.	Career development unit of TCB

Exhibit 3

VOCATIONAL REHABILITATION SERVICES PROVIDED BY THE TEXAS COMMISSION FOR THE BLIND  
(Cont.)

SERVICES	FY 1983		SERVICE DESCRIPTION		
	FUNDS EXPENDED	NO. CLIENTS SERVED	PURPOSE	EXAMPLES	PROVIDERS
11. Occupational licenses	3.75	1	To increase a client's prospects of successful employment or self-employment	Includes professional licensure such as real estate, state bar, or psychologist; occupational tools and equipment	TCB funds cash payments either directly to the client or to the vendor
Initial stocks and supplies provided in the VR program are included in Item 12. The following expenditures incurred in the BEP program are not included in this report:					
Equipment for new facilities -	\$28,480			Occupational tools and equipment and initial stocks and supplies	
Initial Stocks and Supplies -	\$18,420				
12. Other goods and services	58,803.39	180	To benefit the client in terms of employability	Rental payment for place of business, insurance premiums, union dues, and modifications to buildings to remove architectural barriers	TCB funds cash payments either directly to client or to vendor
13. Job Placement	134,638.95	Including with client total for #2	To prepare a client for work and assist in obtaining suitable employment	Develop client attitudes consistent with those required for a job, and reconciling problems or barriers to a client's employment such as architectural barriers, transportation, or employer attitudes concerning the visually handicapped	TCB - VR counselors

Exhibit 3

VOCATIONAL REHABILITATION SERVICES PROVIDED BY THE TEXAS COMMISSION FOR THE BLIND  
(Cont.)

SERVICES	FY 1983		SERVICE DESCRIPTION		
	FUNDS EXPENDED	NO. CLIENTS SERVED	PURPOSE	EXAMPLES	PROVIDERS
14. Maintenance	180,192.49	477	A supportive service to cover cost of incidental needs while in training	Food, shelter, clothing, medication	TCB funds cash payments either directly to client or to vendor
15. Vocational training	533,415.97	495	To develop a client's job skills and make the client job-ready	<ol style="list-style-type: none"> <li>1) Prevocational training to provide background knowledge or skills prior to receiving other training</li> <li>2) Vocational training to provide instruction in performing tasks required by an occupation</li> <li>3) On-the-job to provide specific job skills and knowledge of a work-setting</li> <li>4) Business school training for technical or vocational skills</li> <li>5) Correspondence training is permitted when specific skills training is not available by other means, and</li> <li>6) Academic training to attain a college degree required for entry level employment</li> </ol>	<ol style="list-style-type: none"> <li>4) Technical or vocational schools, both private and public</li> <li>5) Recognized educational institutions</li> <li>6) Clients are exempted from tuition in state supported colleges and universities</li> </ol>

Exhibit 3

VOCATIONAL REHABILITATION SERVICES PROVIDED BY THE TEXAS COMMISSION FOR THE BLIND  
(Cont.)

SERVICES	FY 1983		SERVICE DESCRIPTION		
	FUNDS EXPENDED	NO. CLIENTS SERVED	PURPOSE	EXAMPLES	PROVIDERS
16. Post employment	Our data base is not segregated in this manner. Post employment transactions are coded, by the type of expense incurred.		For 60 days after job placement, a client is observed to ensure adjustment to job environment and job retention	If problems arise, client may receive additional training or equipment modification to maintain employment	TCB VR counselors
TOTAL	<u>\$9,395,753.00</u>				

month. The counselor monitors the provision of services through input from the client and required progress reports from service providers such as medical reports for a client receiving medical treatment or therapy, training progress reports for clients in work-related training in a technical school or rehabilitation facility, semester grades for a client in college or university, or residential living progress reports for a client in a half-way house. In addition, program regulations require joint reviews by the counselor and client of the IWRP and the client's progress toward achieving stated program objectives at least annually. Whenever significant changes occur in the client's vocational objective or the planned services, an amendment to the IWRP is required.

When a client has progressed through the rehabilitation program and is "job-ready," a major responsibility of the counselor is placement of the client. In order to provide this service, counselors are expected to seek out contacts with employers in the community and to be informed of the needs of the local job market. Placement services provided to a client might include informing the client of specific job openings, contacting potential employers and investigating suitable job opportunities, registering the client with TEC, and informing prospective employers of the client's job-related abilities and limitations. Once a client is successfully employed in a job consistent with his or her stated vocational objective, the counselor must continue to supervise the case until it is determined the client has adjusted satisfactorily to the job. Program regulations require that a client must have been suitably employed for at least 60 days before a case record may be closed as successfully rehabilitated. In some instances, counselors may provide postemployment services to assist a rehabilitated client to maintain suitable employment. The services to be provided must be planned in writing through an amendment to the IWRP and the need for the services must be fully documented in the case record.

In most cases, VR services are continued until a client is successfully rehabilitated or a determination is made that the vocational rehabilitation goal cannot be reached. Program regulations require that certain procedures must be followed in order to terminate services including consultation with the client regarding the decision, adequate documentation of the rationale for the decision, written notice informing the client of agency appeal procedures, and at least one review of the decision at the end of a year.

To assist the counselor's employment placement efforts and expand the scope of employment opportunities to clients, the agency created a career development unit in 1980. Staff from this unit meet with top administrators of private industry and government agencies; disseminate vocational occupational information to agency staff; train staff in the placement of agency clients; participate in local, state and national meetings to show potential employers the type of technology available to clients and the jobs being done by the blind and visually impaired; and provide expertise on using technological aids to adapt jobs to the agency's clients.

The agency reports that the average time in rehabilitation is two years and the average cost per rehabilitation is \$2,530. Of the 9,342 blind and visually impaired clients served by the VR program in fiscal year 1983, 1,867 clients completed the vocational rehabilitation process with 286 blind and 449 visually impaired being assisted in finding competitive employment. Of that number, 228 went to work in jobs which paid \$10,000 or more. Another 107 severely handicapped clients went to work in sheltered workshop settings; 849 were trained as non-wage earners or homemakers; and 186 were assisted to become self-employed. Since most clients when they entered the program were either low wage earners (14 percent) or unemployed (78 percent) and receiving tax supported benefits, the agency estimates that \$2.46 will be returned to the taxpayer for each VR dollar spent.

While the vocational rehabilitation program of the agency is responsible for developing an appropriate individualized program of VR services and job placement of clients, many of the vocational evaluations and training services are provided by a network of facilities including rehabilitation centers and lighthouses or local associations for the blind.

A rehabilitation center provides a broad range of services to clients referred by VR counselors including medical and functional evaluations and instruction in travel skills and home and personal management skills. These services, designed to assist the individual in the development of basic dependent living skills in order to compensate for a client's visual loss, are generally a prerequisite to further job or academic training. Since clients live at the center for as long as 90 days the training tends to be more intensive and comprehensive than that available through home visits by the commission's vocational teachers. There is currently one center in Texas which offers this wide range of services to the visually disabled: the Criss Cole Rehabilitation Center which is located in Austin and operated by the Commission for the Blind. During fiscal year 1983, 389 clients and 262 professional

staff were served by the Center training program. The center's operating costs for fiscal year 1983 totalled approximately \$2.2 million dollars in state and federal funds, which includes building costs associated with the sunrise program, diagnostic and evaluation unit, the residential facilities, and other programs housed at the center. This provided rehabilitative services at \$5,822 per client.

The agency also provides financial support to private, non-profit facilities such as lighthouses or associations for the blind by making available federal grant funds for improvement or expansion of programs and facilities and through the purchase of services. The Rehabilitation Act of 1973 authorizes the agency to fund three types of grants with federal funds: 1) establishment grants to improve and expand services to the severely disabled by funding the acquisition, construction or renovation of physical facilities, the employment of staff or the purchase of equipment; 2) innovation or expansion grants to expand special service projects to address unusual or difficult problems in the rehabilitation of the handicapped; and 3) facility improvement grants to improve services and employment opportunities for the handicapped. All of these grants require a 10 to 20 percent match from local funds. Between 1980 and 1983, the commission awarded \$1.5 million--in establishment grants to 11 facilities and \$148,000 in innovation and expansion grants to one facility. No funds were awarded for facility improvement grants. As a condition of the grants the facilities must fulfill certain obligations which include reporting requirements concerning the number of clients served, the kinds of services rendered and the cost of services. The agency also requires each grantee to submit an independent financial audit annually. The agency performs their own financial audit only when there is a question or concern identified in the grantees independent audit or other information available to the commission.

The agency is also required by federal law to establish standards for facilities providing services to clients and each facility must be certified by the agency before services will be purchased. There are currently 11 certified facilities operating in Texas. The agency purchased more than \$655,828 in services from these facilities in fiscal year 1983. Services generally provided by these organizations to the commission's VR clients include training in travel skills, vocational evaluations, on-the-job training and sheltered employment. Certifications must be renewed annually. Until 1980, the agency had a special staff assigned to perform on-site evaluations of each facility for certification. As a result of an agency

reorganization in 1980, responsibility for certifying these facilities was given to the agency's program evaluation and internal audit unit.

#### Business Enterprise Program

The Commission for the Blind was designated in 1936 as the state agency to administer the business enterprises program (BEP) as required by the Randolph-Sheppard Act. The program provides employment opportunities for qualified blind persons to manage food services, automated vending locations, and other BEP selected businesses on public and private properties throughout the state. In 1983 there were 133 facilities. BEP offers a specialized type of vocational training to promote financial independence and remove clients from public assistance. Towards these goals, the program has two primary functions: training and licensing of vendors and establishment of vending facilities throughout the state.

To be eligible for the program, an individual must be a client in the VR program. In order to qualify as a BEP trainee, a client must be referred by a VR counselor and undergo a series of entrance requirements which include testing, a pre-entry work evaluation and approval by the BEP regional supervisor and a screening committee. Once a client has been accepted as a trainee, he is scheduled for classroom training at the agency's Criss Cole Rehabilitation Center in Austin for a period of one month followed by on-the-job training with a licensed vendor for a two-month period. Clients successfully completing the training program receive a training certificate and a BEP license issued by the agency.

Upon licensing, a client is then eligible to be assigned to a facility. If a newly licensed vendor is not assigned to operate a facility within 12 months of receiving his license, the license is revoked. The license may be reinstated if the vendor takes additional training. In fiscal year 1983, the program trained 20 individuals, of which approximately 80 percent received their license. Generally all newly licensed vendors are assigned a facility within a one-year period. In 1983 the average statewide annual net income for vendor facilities was \$24,674.

The agency is responsible for assisting the vendor in obtaining a sales tax permit, a tobacco permit and insurance. In addition, the agency provides each BEP facility with fixtures and equipment necessary to reasonably assure successful operation by the vendor and an initial stock of merchandise and cash. The commission retains ownership of all equipment and fixtures and replaces any as necessary. After the original stock of merchandise has been provided by the

agency, the vendor assumes responsibility to purchase and maintain future inventories. The agency also retains the authority to determine prices charged for products sold through a BEP facility.

Once a vendor is in operation, the business supervisor for that region is required to make on-site inspections of the facility to assure operations are in compliance with all laws and regulations. The agency is authorized by federal law to take the necessary disciplinary action to deal with any vendor refusing to comply with the program's rules and regulations. The range of disciplinary actions includes probation and revocation of the license. During fiscal year 1983, approximately eight vendors were placed on probation and one vendor has his license revoked.

Agency staff are assisted in the administration of this program by an elected committee of operators authorized in federal law. The committee is composed of licensed blind vendors elected for two-year terms on the basis of geographic locations and type and size of vending facility. Representatives of this committee provide input on the program to the agency, interview all trainees prior to licensure, make recommendations to the program director concerning facility assignments, and advise the agency on fees charged the vendors.

The agency is authorized in federal law to collect a "set-aside" fee from the net proceeds of each facility to maintain and repair equipment; purchase replacement equipment; provide management services; and for other purposes permissible under federal statute. The fee is set by the agency, with advice from the elected committee of operators, and is approved by the federal Department of Education's Rehabilitation Services Administration. Proceeds from this fee in fiscal year 1983 totalled \$378,681 or 36 percent of the program's costs. The remaining costs were shared in the amounts of \$402,100 from Section 110 federal funds and \$256,759 in vending machine income from federal properties.

In addition to licensing vendors, the business enterprises program is also responsible for making a study of new facility locations to determine if the facility will be economically feasible. Under federal and state law, priority must be given to blind persons licensed through this program when awarding contracts to operate vending facilities on federal or state property. The agency planning to acquire a building is required to notify the commission by registered or certified mail 60 days prior to acquisition to afford the commission the opportunity to determine whether the building includes a satisfactory site or sites for a vending facility. All new facilities surveyed must have a minimum net profit potential equal to or

greater than one-half of the average net income of the total number of vendors within the state in order to be considered as a possible facility. In fiscal year 1983, 16 facilities were surveyed and of those, four were established. Since the agency has adopted a policy of replacing less profitable locations with more profitable locations the number of vendors and sites has declined. In the last two years, the number of facilities has been reduced from 149 to 129. During that period the agency opened or accepted 16 facilities and closed 36 facilities.

#### Sunrise Program

The Sunrise Program was begun in 1969 to provide vocational rehabilitation to people who are both blind and mentally retarded. Originally the program was a cooperative arrangement between the agency and the Texas Department of Mental Health and Mental Retardation (TDMHMR), located on the Austin State School campus and the Richmond State School campus. Costs for program operations were provided by both agencies, with 80 percent of the funding coming from the federal government. TDMHMR sought the assistance of the Commission for the Blind in order to provide rehabilitation teaching services to mentally retarded clients with visual handicaps. In response to a federal mandate to deinstitutionalize severely handicapped individuals, in 1979, the agency withdrew funding and staff from TDMHMR facilities and moved the program to the Criss Cole Rehabilitation Center. This change was a result of the continual threat of federal funding cutbacks and TDMHMR's decision to serve only those clients with an IQ of 55 or below in an institutional setting. Since these clients were too handicapped to benefit from the program, the focus shifted to identifying blind and mentally retarded individuals in communities who could be trained.

Currently, the commission's vocational rehabilitation counselors located in field offices throughout the state are responsible for identifying eligible individuals. They are assisted by the agency's diagnostic and evaluation unit which travels statewide conducting assessments to determine if individuals meet the program's eligibility requirements and would benefit from the training opportunities available through the program. Participants in the program are required to be at least 16 years old; certified as legally or totally blind and mentally retarded; medically stable and potentially employable.

Participants in the program are housed in two residential programs operated by the agency near the Criss Cole Rehabilitation Center where training is provided. The program's capacity, currently set at 23, is limited by the residential space

available. Because of this limitation eligible applicants generally wait an average of three months before acceptance into the program. The training can be lengthy, ranging from two months to three years because of the difficulties in training multi-handicapped individuals. The program is funded with \$163,014 in state and \$608,885 federal funds for a total program cost of \$771,899 and the cost per client ranges from approximately \$4,000 to \$132,000. Despite the relatively high cost of training these clients, the agency estimates there is a substantial savings to the state since without this training clients would have to be eventually maintained in institutional settings whose costs currently range from \$74 to \$95 per day.

The Sunrise Program is designed to assist an individual in making the transition from the closely supervised environment of an institution to a more open and independent arrangement. Under the program, the participants learn: travel skills; home and personal management skills including care and maintenance of clothing and personal effects; use of laundry facilities, kitchen appliances and utensils as well as basic food preparation; skills needed to function in a community setting such as braille writing, money concepts, telling time, and use of the telephone; and activities designed to help the client identify and manage recreational or leisure time. Examples of vocational training offered would include skills necessary to repair small appliances or assembly line production of small parts. The majority of the program's clients are placed in sheltered workshops sponsored by Lighthouses for the Blind or Goodwill Industries. A few clients have also been placed in jobs in the private sector, primarily as small parts assemblers. Living arrangements for clients once they have left the program can vary from supervised small groups to more independent arrangements.

Follow-up or post employment services are generally the same as those provided through the VR program since technically the clients remain part of the VR counselor caseloads. The primary difference, due to the nature of their handicapping condition, is that the sunrise staff provide extensive information to the employer and family or housing supervisor concerning the clients capabilities to perform various tasks which affect the client's performance both at work and at home.

#### Services for the Elderly Blind

Since federal funds are largely limited to individuals with employment potential, the commission's state funded program to serve the elderly blind is designed to fill service gaps created by restrictions on the use of federal funds.

Clients of this program are at least 55 years of age and visually impaired or legally or totally blind who will not be seeking employment as a result of rehabilitation services provided by the commission. Services provided by the program are designed to help clients adapt and cope with difficulties caused by their visual impairment or blindness so that they can remain in independent living situations and avoid more costly living arrangements in long-term care facilities.

For a number of years a large part of the state funds appropriated to the commission for elderly blind was designated by a rider in the appropriations bill for use at a residential facility in Kerrville, Texas operated by the Texas Lions League. During the contract period September, 1982 to May, 1983, 62 individuals participated in the program at Kerrville. Client training generally took between four and twelve weeks depending on the needs of the individual. Based on the 1983 utilization rates, the average total cost per client was \$4,500. The program provided by the Lion's League included formal class instruction in learning braille, typing, handwriting adaptation, telling time, distinguishing different types of money, using calculators or an abacus and individualized instruction in independent travel skills, counseling and guidance, physical conditioning, psychological therapy and general medical and ophthalmological care.

In February of 1984, the Lion's League notified the commission that it would not renew its contract for fiscal year 1985. The commission requested an attorney general's opinion on how the funds appropriated for the Lion's Club contract for fiscal year 1985 could be utilized as a result of this change. The attorney general responded that the agency is empowered to contract with other organizations for the provision of rehabilitative services with these funds, and the commission will be entering into contracts with several local light houses, whereby the lighthouses will provide services to older blind individuals.

The remaining funds appropriated for the older blind services supports three independent living teachers located in Harlingen, San Antonio and El Paso. These teachers are the remnant of a cooperative program with the Department of Human Resources (DHR) utilizing federal Title XX funds and a 20 percent state match. With the federal cutbacks in Title XX funds to the state in 1981, DHR made the decision to discontinue the agreement. Since that time the legislature has appropriated an amount equal to the state match in effect at that time for continuation of this program on a smaller scale.

Services provided by the independent living teachers are generally delivered to the client in their own home and include skills training in travelling with a cane and on public transportation, personal grooming, money identification, meal planning and cooking, braille, housekeeping, and shopping. These teachers visit their clients approximately three times a week when training first starts and may only need to visit them once a month towards completion of the training. Training time depends on the needs of the individual and can range from two months to two years. Although this type of training is less intensive than that available in a residential setting, these teachers reach more individuals. State-funded ILR teachers provided services to 414 individuals in fiscal year 1983 for an average total cost per client of \$293.

#### Visually Handicapped Children's Program

The visually handicapped children's program is a state-funded program which serves individuals from ages 0 to 21 who are not eligible for federally funded vocational rehabilitation services. The program provides restoration services that improve existing vision or prevent blindness; assists children to maximize use of existing vision and to function more independently; and refers and assists families in obtaining services from other organizations.

A study by the Texas Society for the Prevention of Blindness indicates that there are over 27,000 children in Texas between the ages of 0 and 17 who are blind or visually impaired. Of that number, the VHC program served approximately 6,000 children in fiscal year 1983. In addition to state funds which totalled \$1.9 million in fiscal year 1983, the agency also received \$11,158 in donations from individuals or private organizations. During fiscal year 1984, the agency began tracking the dollar amount of services rendered to VHC clients from other sources. As of the end of April, 1984, clients had received \$395,542 in services provided by organizations such as Lions Clubs, Head Start programs, and Crippled Children's program.

Since the prevention of blindness in children can substantially cut down future outlays of public assistance and other governmental benefits over the entire lifetime of an individual, the cost benefits of this program are greater than any other program administered by the agency. The agency estimates that for each dollar spent, the state saves \$3.34 in special education costs and that the federal government will collect at least \$7.00 in additional taxes.

Eligibility for program services requires that: the child or his parents must be living in Texas; the child must be between the ages of 0 and 15 at the time of referral; the child must have visual impairment, and the child must not be eligible for services of the federally funded vocational rehabilitation program. All eligible children and their families are provided counseling, referral, guidance, educational support, and follow-up services. These services are provided by 31 VHC caseworkers located in all of the agency's regional offices. Caseworkers are also responsible for: receiving referrals; determining eligibility, economic need, and identifying other available benefits; developing the client's individual written service program (IWSP); and ensuring that services in the IWSP are purchased for the client. The agency contracts with medical schools, universities and private individuals for the purchase of such services as: eye examinations, diagnostic evaluations, medical treatment, glasses or other visual aids, and physical therapy. These services are only provided to those children whose families meet the agency's economic need criteria and cannot receive the services from other available benefit programs. (See Exhibit 2).

The average age for children served in the VHC program is five to eight years old. Services can last from one month up to 60 months with contact from a caseworker once every two weeks, depending on the needs of the child and the family. Of the approximately 6,000 children served in fiscal year 1983, the program purchased medical care to prevent blindness, conserve eyesight or correct an eye condition for 1,924 children.

Since fiscal year 1982, the visually handicapped children's program has also employed three rehabilitation teachers in Dallas, Pasadena, and Houston which have a high number of blind persons within the communities. The teachers work with children in their homes on personal adjustment skills such as grooming, eating, and dressing. Rehabilitation teachers provided their specialized services to 106 of those children served in fiscal year 1983.

This population is also served by other agencies including the Texas Education Agency and the Texas Department of Health. However the Commission for the Blind uses its funds to provide services that individuals are not eligible for under TEA and TDH. The special education division of the Texas Education Agency is required by law to provide services necessary to ensure an adequate education for visually impaired children between the ages of 0 and 21 years. Services include the purchase of visual aid equipment, orientation and mobility training for children 3 to 21 years of age, training to bring children up to age appropriate skills levels, and

training designed to prepare children for school. TEA provides these services through 30 special education teachers working with the state's school districts and staff trained to work with the visually handicapped located in each regional educational service center. TEA depends on the Commission for the Blind for identification and referral of children in need of their services. The Crippled Children's program, under the Texas Department of Health, is a federally assisted program that also receives state funds. It provides physical restoration services for crippling conditions such as strabismus for income eligible children ages 21 and under, on a statewide basis. The program also arranges and pays for diagnostic services, treatment, hospitalization, therapy, transportation, therapeutic devices, and appropriate follow-up services. The Commission for the Blind began referring clients to the Crippled Children's program for treatment of strabismus in September of fiscal year 1984. This was due largely to the need for additional funding for restoration services. During this time, the Crippled Children's program has paid for 86 surgeries for referred children.

#### Talking Books Program

The Commission for the Blind currently shares responsibility with the Texas State Library for providing a special library service to individuals who cannot read, hold or turn the pages of conventional print books because of physical impairments. The commission is responsible for the storage, maintenance, and distribution of specially designed portable record players, known as "talking book machines" and cassette tape players. The machines are purchased by the Library of Congress and shipped to the commission for distribution to eligible individuals. Records and tapes for this equipment as well as large type printed and embossed braille materials are maintained and distributed by the State Library.

Eligibility for these library services includes U.S. citizenship and certification of the handicapping condition by a licensed physician. The Commission for the Blind certifies patrons utilizing the record and cassette players while the State Library certifies all others. Currently, there are 19,770 individuals statewide who have been certified as eligible for services provided by the commission. As of March, 1984 the commission had distributed 27,511 machines to these individuals.

## REVIEW OF OPERATIONS

This section covers the evaluation of current agency operations undertaken to identify any major changes which should be made to improve the efficiency and effectiveness of those operations, if the agency is to be continued. The evaluation is divided into three general areas dealing with: 1) a review and analysis of the policy-making body; 2) a review and analysis of the overall administration of the agency; and 3) a review and analysis of the operation of specific agency programs.

### Policy-making Structure

The evaluation of the policy-making structure was designed to determine if the current statutory structure contains the provisions that ensure adequate executive and legislative control over the organization of the body; competency of members to perform required duties; proper balance of interest within the composition; and effective means for selection and removal of members.

The Texas Commission for the Blind consists of nine members who are appointed by the governor and confirmed by the Senate. Commission members are appointed for overlapping six-year terms. Members are required to be citizens of Texas and two must be "reputable blind" persons. The chairman of the commission is designated by the governor and serves during the tenure of the appointing governor.

The review focused on whether the agency's policy-making structure and its advisory committees provided the necessary expertise and geographical representation to respond to the needs of blind and visually-impaired Texans and to the policy issues relating to the agency's operations. Although the operation of the agency's policy-making body appears to be structured in a generally appropriate fashion regarding the areas examined, the following changes should be made to improve the overall focus of the agency. These are discussed below.

**The statute should be amended to require at least three of the nine commission members to be blind or visually handicapped citizens.**

Currently, the statute requires that two of the nine members on the commission must be blind citizens. Prior to 1979, when the agency's statute was amended to increase the size of the commission from six to nine, the statute required one-third of the members be representative of the blind population.

Although appointments to the board since 1979 have continued to maintain the historical proportion of one-third blind or visually handicapped members, there is no assurance or requirement that this pattern will continue in future appointments. A survey of current board members indicated that a majority believe the composition of the board should contain at least three blind members. In order to ensure that the composition of the board represents a proper balance of interests affected by the agency's activities the Human Resources Code should be amended to require at least three of the commission members appointed to be "reputable blind citizens."

**The present consumer advisory committee should be specified in statute.**

The agency is currently required by federal law to develop a forum for receiving input into the policy, development and implementation of the vocational rehabilitation program. The federal law stipulates that this input should be received from: 1) current or former clients of VR services or their parents or guardians; 2) providers of VR services; and 3) others active in vocational rehabilitation. The agency has chosen to meet this federal requirement by establishing an advisory committee composed of 15 members appointed by the executive director for two-year terms. A similar committee exists to provide input on the business enterprises program, but there is no provision for consumer input into the agency's two state-funded programs: the elderly blind program and the visually handicapped children's program. A review of the advisory committee's minutes indicated that members usually meet in person at least once a year and provide advice on selected issues presented by the staff. However, unlike other state agencies such as the Texas Department of Mental Health and Mental Retardation, the Department of Human Resources and the Texas Department on Aging which are required by statute to establish an advisory committee consisting primarily of service recipients or their families to provide advice on program planning, policies and service delivery, the blind commission can terminate its consumer advisory committee at any time since it is not required by either state statute or federal regulation.

The existence of an advisory body in a human service delivery agency such as the Commission for the Blind which impacts the health needs of citizens throughout the state is an effective mechanism for increasing public input into the policy-

making process. Amending the statute to require the establishment of an advisory committee would ensure the committee's continuation and adequate representation by those impacted by agency activities from every region of the state. In order to ensure adequate involvement by and direct input to agency policymakers, the commission should adopt rules and regulations which specify committee size; membership requirements including geographic representation; method of selection; to whom the committee reports and how often; the specific duties and responsibilities of the committee, and rates of reimbursement for travel and per diem. A survey of advisory committee members as well as commission members conducted during the review indicated general support for requiring the establishment of the advisory committee in statute as well as specifying the size, number of meetings per year, and specific duties and responsibilities.

**The agency should adopt rules and regulations setting out the composition, functions and responsibilities for the Medical Advisory Committee and the Optometric Advisory Committee.**

During the review, concerns were expressed by a number of optometrists related to the agency's utilization of ophthalmologists instead of optometrists and the extent of input into agency policies by the Optometric Advisory Council as compared to that provided by the Medical Advisory Council which is composed of ophthalmologists.

The commission's current policies regarding referrals for eye examinations require that counselors refer to an eye specialist of the client's choice. When the client does not have an eye specialist, the counselor refers from a list of eye specialists composed primarily of ophthalmologists who have served previous clients and will accept the agency's fee schedule. The agency contends that in many cases sending clients to an optometrist for eye examinations is not cost effective and would delay the rehabilitation process since the majority of their clients suffer from eye diseases which require treatment by an ophthalmologist. In addition, a comparison of agency allowable fee payments for ophthalmologists and optometrists did not indicate that significant savings would result from increasing the number of referrals to optometrists since the maximum allowable fee for ophthalmologists was only four dollars higher than for most optometrists.

However, in examining the issue concerning the amount of input by the respective advisory councils the review indicated that each group of eye specialists offer technical advice that is otherwise not available to the commission, but that the agency had not revised written guidelines related to each council's composition, purpose and operations since their creation in the early 1970's. A survey of other state agencies such as the Department of Health and the Department of Human Resources which employ the assistance of similar advisory committees indicated that the most effective advisory bodies do operate under rules and regulations adopted by their respective boards. Since the review, the agency has drafted revised guidelines related to both councils, which clearly set out the composition, functions and responsibilities of both the optometric and medical advisory councils. The commission should adopt these guidelines as rules and regulations, and revise them periodically and take other measures which would facilitate communication between the commission and two of the primary groups of service providers impacted by the agency's policies and procedures as well as maximizing the opportunities for the agency to access technical expertise not otherwise available.

**Compensatory per diem and travel reimbursement rates comparable to those authorized for similar health service agencies should be authorized for commission and advisory committee members.**

A review of other health service agencies including the Department of Health and the Texas Rehabilitation Commission indicated that the Commission's authority to pay compensatory per diem and travel expenses is not consistent with the authority granted similar state agencies. As a general rule board members are paid a per diem plus actual and necessary expenses. Members of advisory committees are paid a per diem plus expenses at the rate paid state employees. Currently, the agency is authorized to reimburse commission members and members of the commission's advisory committees only for actual and necessary expenses. Board or commission members as well as members of advisory committees of other state agencies surveyed receive a compensatory per diem ranging from \$50 to \$150 per day in addition to travel reimbursement. Amending the statute to permit commission and advisory committee members to receive a compensatory per diem of \$50 per day for attendance at official meetings would provide a consistency in the per diem policy authorized for similar state agencies

and would reduce the likelihood of individuals being forced to refuse appointment due to financial hardships. In addition, in order to bring the commission's policies on travel reimbursement in line with similar state agencies the travel expenses of the commission's advisory committee members should be reimbursed at the same rate as for state employees.

### **Overall Administration**

The evaluation of the overall agency administration focused on determining whether the administrative structure, the management policies and procedures, and the monitoring of management practices were adequate and appropriate for the internal management of time, personnel and funds. The review also examined whether the commission had satisfied all applicable state reporting requirements. The results of the evaluation indicated that the agency's administrative operations generally function adequately. However, the following recommendation is made to improve their overall performance.

**The statute should be amended to delete a number of obsolete administrative positions and out-dated provisions relating to the executive director.**

The current appropriations bill authorizes two exempt administrative positions for the commission: an executive director and a deputy director. This authorization is in sharp contrast to the Human Resources Code which authorizes an executive director, an assistant executive director; a deputy director for cooperative programs with other agencies; a deputy director for technical and consultative services to rehabilitation facilities and organizations; a deputy director of agency programs; and a director of vocational rehabilitation. The review indicated that the statute also delegates to the director of the vocational rehabilitation program authority to perform a number of functions actually carried out by the executive director or the commission including promulgation of rules, establishing administrative units within programs and submitting annual reports to the board. Finally, unlike other state agencies the commission's executive director is not delegated full authority to appoint all staff because the deputy director position must be appointed by the board. The review indicated that amending the Human Resources Code to establish a less specific organizational structure which 1) reflects the administrative structure authorized in the appropriations bill; 2) specifies the duties and responsibilities of the executive director; and 3) authorizes

the executive director to hire all employees will eliminate unnecessary and obsolete statutory language and will eliminate any potential conflicts based on the specific division of authority set up under the current statute.

The agency's statute should be amended to authorize direct vendor purchases to provide services and equipment to clients.

The review of the Commission for the Blind indicated that following the general state procedures for purchases of supplies, materials, services and technical equipment required to rehabilitate clients can delay the client's ability to be employed by at least six weeks due to the length of time required to process paperwork, receive and tabulate bids, award purchase orders and wait shipment. In several cases, the agency reports that the delays frustrated both the client and the potential employer to the point that the client's employment was jeopardized. In order to minimize these problems the agency has in the past tried to maintain an inventory of equipment on hand but this alternative is expensive and only works in instances where the needed equipment or supplies are required frequently enough to be stocked. Both the Commission for the Blind and the Texas Rehabilitation Commission have attempted to address this problem by negotiating an informal agreement with the State Purchasing and General Services Commission to permit the agency to provide services, supplies equipment and materials to clients through direct vendor purchase. The authorization for this departure from general state purchasing procedures is contained in three attorney general's opinions issued between 1940 and 1974 which have upheld the authority of the Texas Rehabilitation Commission to provide services and equipment to clients by direct vendor purchase. Amending the commission's statute to authorize direct vendor purchases only in those instances where the agency is providing services and equipment to clients will ensure the continuation of procedures which reduce both the time necessary to rehabilitate clients and the agency's costs associated with maintaining equipment inventories as well as eliminating any unnecessary delays in placing clients in jobs.

#### Evaluation of Programs

As indicated above, major programs conducted by the agency include: vocational rehabilitation, the business enterprises program, sunrise, older blind

services, and the visually handicapped children's program. Problems and recommendations for needed improvement are discussed below.

#### Vocational Rehabilitation

#### The agency should take steps to ensure that the client loan program is fully utilized.

The 67th Legislature granted the Commission for the Blind the authority to make low interest loans to help visually handicapped individuals purchase technological devices. To fund this activity, the agency earmarked \$150,000 from an endowment fund which currently has a balance of more than one million dollars. The agency has developed eligibility guidelines for approving loan applications which require the following: 1) the applicant must be a current client of the agency, be legally or totally blind, must not qualify for equipment purchases under the VR program, and must have been denied a loan from a commercial financial institution; and 2) the devices must be necessary to obtain or hold a job outside the home. The amount of the loan is limited to \$10,000 or the cost of the equipment, whichever is less. However, the review indicated that the agency has not approved any applications for a loan under these guidelines.

Discussions with counselors in the regional offices indicated that some were hesitant to offer the service to clients because they felt more information on the program was needed and others appeared to be unfamiliar with the program or where to go to get more information. At least part of the problem appears to be due to the fact that the policies and procedures for the loan program were placed in the Administrative Procedures Manual along with agency guidelines for travel and phone usage rather than in the Vocational Rehabilitation Manual which is the primary procedural guide for client services. The review of the commission indicated that this loan program could serve an existing gap in services, especially for blind individuals who are employed and therefore not eligible for VR services and yet need to purchase technical equipment in order to be employed. Including information on the loan program in the agency's VR manual and ensuring that all counselors and their supervisors receive adequate information concerning the client loan program guidelines and taking whatever additional steps are necessary to encourage utilization of these funds would expand the services available from the commission and benefit blind and visually handicapped individuals.

**The agency should review its controls over similar benefits to ensure that the agency is fully utilizing other resources before spending TCB funds.**

As indicated above, federal and state vocational rehabilitation regulations require that the agency give full consideration to "similar benefits," of any appropriate service or financial assistance available to a client under any other program to meet, in whole or in part, the cost of services to be provided by the agency. The purpose of the requirement is to maximize the total amount of vocational rehabilitation services available to handicapped individuals by utilizing other resources to which clients are entitled before spending TCB funds to purchase planned services. For example, in providing medical services to clients, other programs or resources which must first be utilized private health insurance, medicaid and medicare, state and county hospitals, CHAMPUS (military medical benefits), workers' compensation medical benefits, and Crippled Children's Services under TDH. In addition, program regulations provide that the client will be required to participate in the cost of services where the client's income or liquid assets exceed monthly "basic living requirements" established by the agency. Since a significant category of agency client services expenditures are for restoration or medical treatment services, the review focused on whether adequate controls are in place to ensure maximum use of client contributions and similar benefits in providing restoration services, including hospitalization, surgery and medical treatment.

A survey of selected field staff with responsibility for purchasing medical services showed that there were inconsistencies in practices and monitoring methods followed to ensure proper application of similar benefits and to prevent overpayment by TCB. Such practices also do not appear to be sufficiently addressed in agency procedural manuals available to all field staff. The review indicated that agency does not use a number of potential controls designed to maximize client contributions including: 1) providing information on the requisition forms identifying available similar benefits; 2) providing written notice to hospitals or other providers of specific similar benefits that must be applied against service charges prior to billing TCB and of the obligation to reimburse TCB if a similar benefit is received after payment by TCB; 3) monitoring whether similar benefits were appropriately applied by the provider before authorizing

payment by TCB, including requiring written documentation of denials from other similar benefit resources before authorizing payment by TCB; and 4) monitoring to ensure reimbursement is made to TCB when a benefit is identified after payment by the agency. With respect to client contributions, the current rehabilitation services manual define circumstances under which a client will be required to participate in the cost of services but does not cover documentation and monitoring procedures to ensure the client makes the agreed contribution.

The tremendous need for medical services among TCB clients and the high costs associated with them, as reflected in the following figures, emphasize the importance of maximizing use of similar benefits and ensuring client financial participation agreements are fulfilled. TCB provided 23 percent of clients served in the VR program in 1983 with physical restoration services. The agency's expenditures for hospitalization and surgery or medical treatment amounted to over \$2 million or about 31 percent of total client services expenditures in fiscal year 1983.

To ensure full compliance with federal and state program regulations regarding similar benefits and client contributions, and to maximize the total amount of medical services available to TCB clients, the agency should be required to review controls over similar benefits use and client contributions. Policies and procedures should be reviewed to ensure adequate guidance is available to field staff regarding practices and monitoring methods to prevent overpayment by TCB and ensure proper application of other resources in providing medical services.

**The agency should discontinue direct involvement in the talking book program and transfer the functions connected with the talking books program performed by the Commission for the Blind to the State Library.**

Article 91.082 of the Human Resources Code authorizes the State Library and Archives Commission to supervise the establishment and operation of a central media depository for materials such as braille and large print publications, record players and tape machines and the accompanying records and tapes used by individuals unable to use ordinary printed materials. As a result of a shortage of storage space at the State Library, responsibility for this program is currently split between the State Library which retained responsibility for distributing braille and large print publications and all records and tapes and the Blind Commission which

assumed responsibility for the storage and distribution of the machines. Both agencies maintain eligibility paperwork for individuals participating in the program and a review of the telephone logs from both agencies indicated that individuals are continually referred between the two agencies for services. The results of the review indicated that transferring the functions currently carried out by the Commission for the Blind to the State Library and Archives Commission in accordance with state law would eliminate any unnecessary duplication and would reduce the number of state agencies that program participants must deal with.

The State Library indicated during the review that it has included space to accommodate these functions in their proposed addition to the records center building and would welcome the opportunity to reassume responsibility for the program. In addition, administration of all aspects of the program by a single state agency has been encouraged by the National Library Service for the Blind and Physically Handicapped, a division of the Library of Congress which provides the machines used in the program as well as funding for the tapes, records and other materials.

## **EVALUATION OF OTHER SUNSET CRITERIA**

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The review of the agency's efforts to comply with overall state policies concerning the manner in which the public is able to participate in the decisions of the agency and whether the agency is fair and impartial in dealing with its employees and the general public is based on criteria contained in the Sunset Act.

The analysis made under these criteria is intended to give answers to the following questions:

1. Does the agency have and use reasonable procedures to inform the public of its activities?
  2. Has the agency complied with applicable requirements of both state and federal law concerning equal employment and the rights and privacy of individuals?
  3. Has the agency and its officers complied with the regulations regarding conflict of interest?
  4. Has the agency complied with the provisions of the Open Meetings and Open Records Act?
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## EVALUATION OF OTHER SUNSET CRITERIA

This section covers the evaluation of the agency's efforts in applying those general practices that have been developed to comply with the general state policies which ensure: 1) the awareness and understanding necessary to have effective participation by all persons affected by the activities of the agency; and 2) that agency personnel are fair and impartial in their dealings with persons affected by the agency and that the agency deals with its employees in a fair and impartial manner.

### Open Meetings/Open Records

The review indicated the agency has generally complied with the provisions of the Open Records Act and the Open Meetings Act. An examination of the agency's compliance with the open meetings statutes determined that board meetings have been posted properly through the Texas Register and executive sessions have occurred only to discuss personnel and legal matters.

Certain client information in the agency's vocational rehabilitation program has been designated as confidential. Authorization for this designation comes from both state and federal statutes. The agency's executive director is given the authority under the Texas Human Resources code to establish procedures protecting records and confidential information. Agency procedures for maintaining confidentiality of client records are contained in the agency's vocational rehabilitation manual and in the visually handicapped children's program manual. Client information considered confidential by the commission includes names and addresses, records of agency evaluations, reports of medical examinations and treatment, and financial information. The review indicated this approach is consistent with provisions contained in other health service agencies and that due to the sensitive nature of information maintained on agency clients, that it is generally considered appropriate to designate this information as confidential. The agency appropriately considers all other records of a general, non-confidential nature as open and available to the public.

### EEOC/Privacy

A review was made to determine the extent of compliance with applicable provision of both state and federal statutes concerning affirmative action and the rights and privacy of individual employees. The agency operates under a recently revised equal employment plan, which contains personnel selection policies.

Formal employee grievance procedures are laid out in the agency's personnel manual.

To assist in evaluating the agency's practices in the area of recruiting, hiring, promoting, transferring, and terminating employees, the agency has established an EEO Advisory Committee, made up of seven agency employees nominated by area and central office supervisors, the personnel manager, and the EEO coordinator. The committee meets at least twice a year to discuss the equal employment plan and offer suggestions for revision.

During the review concerns were expressed related to the agency's hiring practices of blind and visually handicapped individuals. A review of the agency's current workforce indicated that out of 425 employees 12 percent were classified as handicapped. Of that percentage, 10 percent represent visually handicapped or blind individuals. These percentages appear to compare favorably with the percentage of blind individuals as a proportion of the state's total population (less than one percent). In addition, a review of complaints filed with the EEOC by former employees and job applicants charging discrimination or unfair employment practices since 1980 indicated that seven complaints had been filed. Of these only two were determined by the EEOC to have just cause. In both cases the court ruled in favor of the agency. In one other case the agency settled out of court during the EEOC proceedings.

### **Public Participation**

In general, the review of public participation consists of an evaluation of the extent to which persons served by the commission and the general public have been informed of agency activities and the extent to which the agency is responsive to the changing demands and needs of the public. The commission attempts to inform the public of its services and activities through newsletters, regional consumer forums, brochures, radio and television public service announcements and a toll-free number.

The agency is also required to follow specific procedures in the Administrative Procedures and Texas Register Act (APTRA) designed to ensure adequate public participation in board decisions. The review indicated that although the agency operates under a number of written policies and procedures related to program services, they have not been proposed as rules, published in the Texas Register and opened up to public comment as is the intent of the APA. Although the agency has begun the process of adopting policies as rules, to ensure continued compliance with federal and state law, adequate guidance and consistent treatment

of clients, and adequate public participation, the Human Resources Code should be amended to require that the agency establish formal policies and procedures in agency rules for the administration of agency programs. As indicated above the agency reports that it has begun development of rules in a number of areas; however clearly defining this duty in statute would ensure this becomes an ongoing process covering all areas of program administration.

### **Conflict of Interest**

Under state law, appointed state officers are subject to statutory standards of conduct and conflict-of-interest provisions (Article 6242-9b, V.A.C.S.). This includes a requirement that board members determine if they have any interest in a business entity regulated by a state agency and report any interest in a financial disclosure form with the secretary of state. The records of the Office of the Secretary of State indicate that none of the commission members have filed such a financial disclosure.

The review also indicated that the agency has established adequate procedures for informing board members and new employees of their responsibilities under the conflict-of-interest statutes. Each new commission member and employee receives a copy of policies that are based on the statutory standards of conduct for state officers and employees. New employees are also required to sign an affidavit stating the employee has read and understands the standards of conduct policy.

In addition to the conflict-of-interest provisions contained in Article 6252-9b, employees of the agency's vocational rehabilitation program are subject to statutory provisions contained in Article 91.060 of the Human Resources Code limiting any political activity.



## **OTHER POLICY CONSIDERATIONS**

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During the review of an agency under sunset, various issues were identified that involve significant changes in state policy relating to current methods of regulation or service delivery. Most of these issues have been the subject of continuing debate with no clear resolution on either side.

Arguments for and against these issues, as presented by various parties contacted during the review, are briefly summarized. For the purposes of the sunset report, these issues are identified so they can be addressed as a part of the sunset review if the Sunset Commission chooses to do so.

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## OTHER POLICY CONSIDERATIONS

This section covers that part of the evaluation which identifies major policy issues surrounding the agency under review. For the purpose of this report, major policy issues are given the working definition of being issues, the resolution of which, could involve substantial change in current state policy. Further, a major policy issue is one which has had strong arguments developed, both pro and con, concerning the proposed change. The material in this section structures the major question of state policy raised by the issue and identifies the major elements of the arguments for and against the proposal.

### Should additional state funds be appropriated to fund services to the state's elderly blind.

The state of Texas has an estimated population of two million people 55 years and older or 18 percent of the state's total population. This population is the fastest growing population in the state, due primarily to migration to the sunbelt, with a projected population of three million by the year 2000. Estimates by the Commission for the Blind indicate that there are over 24,000 legally blind and an additional 88,000 severely visually impaired Texans over age 55 which represents 64 percent of the state's legally blind and severely visually impaired population. Because the leading causes of blindness in the nation are associated with the aging process, the agency projects that by 1987 there will be an estimated 120,000 legally blind and severely visually impaired persons over age 58. Financially, the commission is limited to the amount of resources which can be devoted to services for elderly blind. All federal funds and their matching state funds must be dedicated to vocational training. This precludes over 80 percent of the commission's budget from being considered for elderly blind. Although the state does appropriate more than \$2 million in state funds which are not necessarily restricted to vocational training, most of the funds are appropriated for the Visually Handicapped Children's Program. Of the \$409,000 budgeted for elderly blind during fiscal year 1984: \$272,146 went to a contract with the Texas Lions Camp in Kerrville, Texas for independent living skills training in a residential setting, and served 75 clients; and the remaining \$136,854 went to services provided through three rehabilitation teachers in Harlingen, El Paso, and San Antonio who train elderly blind persons in their own homes and communities in independent living skills, and served 414 individuals.

It is anticipated that the agency will be able to increase the number of individuals served in the elderly blind program in 1985 since in February of 1984, the Texas Lions Camp stated in a letter to the commission that they would not renew their contract after fiscal year 1984. With the money previously set aside for the contract, the agency plans to contract with several Lighthouses for the Blind across the state to teach independent living skills to elderly blind clients. Although this change will increase the number of elderly blind being served from 500 to approximately 1,100, more than 110,000 blind or visually impaired individuals over 55 will not be served. In a number of instances these individuals may require institutionalized care, such as nursing homes because they cannot continue to live independently.

However, as a result of federal regulations, in order to serve a larger portion of this population a significant increase in general revenue funds appropriated to the Older Blind Program would be required. The agency is currently requesting an increase of approximately \$800,000 a year in appropriations for the program in fiscal years 1986 and 1987. If funded at the level requested the agency reports that the numbers of older blind served would rise from 423 to 2,300 and that the commission would be able to provide statewide coverage either by commission staff or through contracts with local providers. Since one of the primary objectives of the agency's program is to provide older citizens with the skills to continue living independently despite their visual handicap, it is anticipated that at least some of the additional costs of the program would be offset since fewer individuals would require costly long-term institutional care. This savings could be substantial since long-term care is a relatively expensive alternative. The state's share of the cost of long-term care for aged and disabled adults funded through the Department of Human Resources has risen from \$71 million in 1974 to more than \$200 million in 1984, 1,178 percent increase.

**ACROSS-THE-BOARD RECOMMENDATIONS**

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From its inception, the Sunset Commission identified common agency problems. These problems have been addressed through standard statutory provisions incorporated into the legislation developed for agencies undergoing sunset review. Since these provisions are routinely applied to all agencies under review, the specific language is not repeated throughout the reports. The application to particular agencies are denoted in abbreviated chart form.

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COMMISSION FOR THE BLIND

Applied	Modified	Not Applied	Across-the-Board Recommendations
			<b>A. GENERAL</b>
	X		1. Require public membership on boards and commissions.
	X		2. Require specific provisions relating to conflicts of interest.
X			3. Provide that a person registered as a lobbyist under Article 6252-9c, V.A.C.S., may not act as general counsel to the board or serve as a member of the board.
X			4. Require that appointment to the board shall be made without regard to race, color, handicap, sex, religion, age, or national origin of the appointee.
X			5. Specify grounds for removal of a board member.
X			6. Require the board to make annual written reports to the governor, the auditor, and the legislature accounting for all receipts and disbursements made under its statute.
X			7. Require the board to establish skill-oriented career ladders.
X			8. Require a system of merit pay based on documented employee performance.
X			9. Provide that the state auditor shall audit the financial transactions of the board at least once during each biennium.
X			10. Provide for notification and information to the public concerning board activities.
	X		11. Place agency funds in the Treasury to ensure legislative review of agency expenditures through the appropriation process.
X			12. Require files to be maintained on complaints.
X			13. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
		X	14. (a) Authorize agencies to set fees. (b) Authorize agencies to set fees up to a certain limit.
X			15. Require development of an E.E.O. policy.
X			16. Require the agency to provide information on standards of conduct to board members and employees.
X			17. Provide for public testimony at agency meetings.
X			18. Require that the policy body of an agency develop and implement policies which clearly separate board and staff functions.

**Commission for the Blind**  
(Continued)

Applied	Modified	Not Applied	Across-the-Board Recommendations
X			<p style="text-align: center;"><b>B. LICENSING</b></p> <ol style="list-style-type: none"> <li data-bbox="586 506 1438 569">X 1. Require standard time frames for licensees who are delinquent in renewal of licenses.</li> <li data-bbox="586 600 1438 695">X 2. Provide for notice to a person taking an examination of the results of the exam within a reasonable time of the testing date.</li> <li data-bbox="586 726 1438 789">X 3. Provide an analysis, on request, to individuals failing the examination.</li> <li data-bbox="586 821 1438 884">X 4. Require licensing disqualifications to be: 1) easily determined, and 2) currently existing conditions.</li> <li data-bbox="586 915 1438 1073">X 5. (a) Provide for licensing by endorsement rather than reciprocity. (b) Provide for licensing by reciprocity rather than endorsement.</li> <li data-bbox="586 1104 1438 1146">X 6. Authorize the staggered renewal of licenses.</li> <li data-bbox="586 1167 1438 1209">X 7. Authorize agencies to use a full range of penalties.</li> <li data-bbox="586 1230 1438 1272">8. Specify board hearing requirements.</li> <li data-bbox="586 1293 1438 1388">X 9. Revise restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading.</li> <li data-bbox="586 1419 1438 1493">X 10. Authorize the board to adopt a system of voluntary continuing education.</li> </ol>