

BILL ANALYSIS

Senate Research Center
76R13234 MXM-D

C.S.S.B. 374
By: Zaffirini
Health Services
4/22/1999
Committee Report (Substituted)

DIGEST

C.S.S.B. 374 sets forth provisions for certain long-term care services, and the consolidation and continuation of certain agencies.

PURPOSE

As proposed, C.S.S.B. 374 sets forth provisions for certain long-term care services, and the consolidation and continuation of certain agencies.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. LONG-TERM CARE SERVICES; TEXAS DEPARTMENT ON AGING

SECTION 1.01. Amends Chapter 531B, Government Code, by adding Section 531.02481, as follows:

Sec. 531.02481. COMMUNITY-BASED SUPPORT AND SERVICE DELIVERY SYSTEMS FOR LONG-TERM CARE SERVICES. Requires the Health and Human Services Commission (commission), the Texas Department of Human Services, and the Texas Department on Aging, to assist Texas communities in developing long-term care service-delivery systems. Requires the commission, to provide resources to assist a community which requests assistance, to accomplish certain goals, and sets forth the goals. Requires a health and human services (HHS) agency to provide resources and assistance to a community, upon the commission's request. Requires an HHS agency to submit a certain initiative to the commission for review and approval. Sets forth review guidelines and requirements for the commission. Requires the commission to consider other service delivery models in the implementation of this section. Authorizes certain entities to make a proposal. Sets forth entities included in a community-based organization.

SECTION 1.02. Amends Chapter 22, Human Resources Code, by adding Section 22.034, as follows:

Sec. 22.034. WORK GROUP ON LONG-TERM CARE SERVICES. Defines "long-term care services." Provides that a work group is created to assist the Department of Human Services (department) and the Texas Department of Mental Health and Mental Retardation (MHMR) to study the coordination of planning between the two agencies. Provides that the work group is composed of 18 members and sets forth their specific qualifications. Provides that a work group member serves at the will of the appointing agency. Requires the members of the work group to elect certain officers. Requires the work group to meet at the call of the presiding officer. Provides that a work group member receives no additional compensation for services, but will be reimbursed for travel and participation expenses as provided in the General Appropriations Act. Requires the work group to study and report on the coordination of certain agencies' efforts to provide long-term care services. Sets forth requirements for a study regarding consistent and standardized regulations, rate-setting processes, contractor monitoring, management procedures, and administration. Requires the work group to report annually to certain entities. Requires the report to include certain recommendations. Provides that the work group is not subject to Chapter 2110, Government Code.

SECTION 1.03. Amends Chapter 113, Human Resources Code, by transferring it to Chapter 22, and

redesignating it as Section 22.035, as follows:

Sec. 22.035. PROGRAMS FOR DEAF-BLIND MULTIHANDICAPPED INDIVIDUALS AND THEIR PARENTS. Provides that the department, rather than the Texas Rehabilitation Commission, has certain responsibilities. Makes conforming changes.

SECTION 1.04. Amends Section 101.001, Human Resources Code, to require specific qualifications of the Texas Board on Aging members. Requires the Texas Board on Aging to take certain actions regarding an issue under the jurisdiction of the department, rather than the board. Deletes text regarding board meetings. Makes conforming changes.

SECTION 1.05. Amends Section 101.0011, Human Resources Code, to add standard language developed by the Sunset Advisory Commission regarding removal of board members. Makes conforming changes.

SECTION 1.06. Amends Chapter 101A, Human Resources Code, by adding Section 101.0012, as follows:

Sec. 101.0012. TRAINING PROGRAM FOR BOARD MEMBERS. Adds standard language developed by the Sunset Advisory Commission regarding training.

SECTION 1.07. Amends Section 101.002, Human Resources Code, to extend the existence of the Texas Department on Aging to September 1, 2004.

SECTION 1.08. Amends Section 101.003, Human Resources Code, as follows:

Sec. 101.003. New heading: PRESIDING OFFICER. Requires the governor to designate a presiding officer, rather than a chairman. Makes conforming changes.

SECTION 1.09. Amends Section 101.0031, Human Resources Code, to add standard language developed by the Sunset Advisory Commission regarding restrictions on board membership and employment.

SECTION 1.10. Amends Section 101.0061(d), Human Resources Code, to add standard language developed by the Sunset Advisory Commission regarding the executive director.

SECTION 1.11. Amends Section 101.022, Human Resources Code, to require the Texas Department on Aging to provide expertise, advice, and recommendations to certain entities to meet the needs of Texas' elderly population. Requires cooperation in conducting studies and surveys regarding transportation, insurance, and legal rights. Requires the Texas Department on Aging to conduct research and planning on issues that affect elderly individuals. Requires the Texas Department on Aging to make certain recommendations to certain authorities. Makes conforming changes.

SECTION 1.12. Amends Sections 101.024(a) and (b), Human Resources Code, to clarify that certain programs recruit elderly, rather than retired, persons to perform services under the National Senior Service Corps, rather than Foster Grandparent Programs. Clarifies that certain funds are allowed to compensate participants in the Foster Grandparent and Senior Companion Programs.

SECTION 1.13. Amends Section 101.0255, Human Resources Code, to require certain entities to work to ensure consistency in reimbursement rates, contract terms, and performance standards. Requires the Texas Department on Aging to use the billing system if it is cost-effective. Requires the Texas Department on Aging to reimburse the department, under certain conditions. Requires the Texas Department on Aging and the department to coordinate the monitoring regarding contracts for certain services. Deletes text regarding a deadline, and makes nonsubstantive changes.

SECTION 1.14. Amends Chapter 101B, Human Resources Code, by adding Section 101.0256, as follows:

Sec. 101.0256. COORDINATED ACCESS TO LOCAL SERVICES. Requires the Texas Department on Aging and the department to develop standardized assessment procedures to share information on common clients served in a similar service region.

SECTION 1.15. Amends Chapter 101B, Human Resources Code, by adding Section 101.033, as follows:

Sec. 101.033. OLDER AMERICANS ACT; STATE PLAN. Requires certain entities to jointly develop Texas' plan on aging, as required by the federal Older Americans Act and its subsequent amendments. Requires these entities to jointly conduct a statewide needs assessment for long-term care services, and sets forth assessment requirements.

SECTION 1.16. Amends Chapter 531B, Government Code, by adding Section 531.0235, as follows:

Sec. 531.0235. BIENNIAL DISABILITY REPORTS. Requires the HHS commissioner to require certain entities to prepare a joint biennial report on the state of services to persons with disabilities in Texas, and requires the submission of the report by December 1 of each even-numbered year. Requires cooperation from certain agencies for the preparation of the report.

SECTION 1.17. (a) Provides that on September 1, 1999, several responsibilities and functions are transferred from the Texas Department of Health to the Department of Human Services.

(b) Provides that on October 1, 1999, funds, obligations, contracts, property, and records of the Texas Department of Health are transferred to the Texas Department of Human Services.

SECTION 1.18. (a) Provides that on September 1, 1999, certain aspects of the Texas Rehabilitation Commission are transferred to the Texas Department of Human Services.

(b) Provides that on October 1, 1999, funds, obligations, contracts, property, and records of the Texas Rehabilitation Commission are transferred to the Texas Department of Human Services.

SECTION 1.19. (a) Requires certain entities to appoint members of the work group created by Section 22.034, Human Resources Code, by December 1, 1999.

(b) Requires the work group to submit a certain required report to certain authorities by September 1, 2000.

SECTION 1.20. Requires the department to study the feasibility of a subacute care pilot program, requires certain entities to cooperate with the department's study, and sets forth required considerations for the study. Requires this study to be submitted to the commission by September 1, 2000. Provides that this section expires September 1, 2001.

SECTION 1.21. Requires the commissioner to report to certain authorities regarding the results of certain entities' cooperation, by November 1, 2000, and sets forth requirements of the report.

SECTION 1.22. Provides that the changes in law made by Section 101.001, Human Resources Code, do not affect the entitlement of certain Texas Board on Aging board members to continue to serve for the term to which they were appointed. Requires the governor to make board appointments, as soon as possible, to achieve the membership plan prescribed by Section 101.001, Human Resources Code.

SECTION 1.23. Requires the commission to evaluate the feasibility of establishing an integrated local system of access and services for elderly persons and persons with disabilities. Requires the commission to report to certain authorities regarding the evaluation study by November 1, 2000, and requires the report to include the commission's recommendation on how best to achieve integration.

SECTION 1.24. Provides that this article takes effect September 1, 1999.

ARTICLE 2. LONG-TERM CARE SERVICES; DEPARTMENT OF AGING AND DISABILITY SERVICES.

SECTION 2.01. Amends Sections 11.001(1)-(3), Human Resources Code, to redefine "board," "department," and "commissioner."

SECTION 2.02. Amends Section 101.001, Human Resources Code, as follows:

Sec. 101.001. New heading: DEFINITIONS. Defines "board" and "department." Deletes

existing section regarding the Texas Board on Aging.

SECTION 2.03. Amends Chapter 101A, Human Resources Code, by adding Section 101.0015, as follows:

Sec. 101.0015. AGING POLICY COUNCIL. Requires the appointment of an advisory committee known as the Aging Policy Council (council). Requires the council to provide advice on certain matters. Provides that the council consists of nine members, and sets forth eligibility requirements. Requires the council to submit a report to certain authorities by December 1 of each even-numbered year, and sets forth requirements for the report.

SECTION 2.04. Amends Section 101.030(a), Human Resources Code, to delete text regarding the Texas Department on Aging.

SECTION 2.05. Amends Section 101.059, Human Resources Code, to delete text regarding the Texas Department of Human Services. Makes conforming changes.

SECTION 2.06. Repealers:

- (1) Section 101.0011, Human Resources Code (Removal of Board Members).
- (2) Section 101.0012, Human Resources Code, as added by this Act (Training Program for Board Members).
- (3) Section 101.002, Human Resources Code (Sunset Provision).
- (4) Section 101.003, Human Resources Code (Chairman of the Board).
- (5) Section 101.0031, Human Resources Code (Restrictions on Board Membership and Employment).
- (6) Section 101.004, Human Resources Code (Executive Director of Aging; Other Personnel).
- (7) Section 101.006, Human Resources Code (Divisions of the Department).
- (8) Section 101.0061, Human Resources Code (Personnel Matters).
- (9) Section 101.007, Human Resources Code (Merit System).
- (10) Section 101.008, Human Resources Code (Finances).
- (11) Section 101.021, Human Resources Code (Rules).
- (12) Section 101.0221, Human Resources Code (Public Interest Information; Complaints).
- (13) Section 101.0255, Human Resources Code (Service Standards and Agreements).
- (14) Section 101.0256, Human Resources Code, as added by this Act (Coordinated Access to Local Services).
- (15) Section 101.033, Human Resources Code, as added by this Act (Older Americans Act; State Plan).
- (16) Section 101.043(b), Human Resources Code (regarding duplication of services).

SECTION 2.07. Authorizes a Texas Board on Aging member to continue to serve until the original term of service expires.

SECTION 2.08. (a) Provides that a reference in a law or rule to the Texas Department of Human Services means the Texas Department of Aging and Disability Services.

(b) Provides that a reference in a law or rule to the Texas Board of Human Services means the Texas Board of Aging and Disability Services.

(c) Provides that a reference in law to the commissioner of the Texas Department of Human Services means the commissioner of the Texas Department of Aging and Disability Services.

SECTION 2.09. (a) Abolishes the Texas Department on Aging.

(b) Provides that on the effective date of this article, certain aspects of the Texas Department on Aging are transferred to the Texas Department of Aging and Disability Services.

(c) Requires funds, obligations, contracts, property, and records of the Texas Department on Aging to be transferred to the Texas Department of Aging and Disability Services.

SECTION 2.10. Effective date for this article: September 1, 2003.

ARTICLE 3. EFFECTIVE DATE; EMERGENCY

SECTION 3.01. Effective date: September 1, 1999.

SECTION 3.02. Authorizes the delay of implementing provisions for which certain entities determine that a waiver or authorization is necessary for such implementation.

SECTION 3.03. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Deletes the existing relating clause and provides that this Act relates to the consolidation of agencies and provisions for certain long-term care services.

SECTION 1.01.

Deletes proposed SECTIONS 1-19, except for SECTION 1 (Section 181.103). Adds Section 531.02481, Government Code, regarding community-based support and service delivery.

SECTION 1.02.

Redesignates proposed Section 181.103, Health and Safety Code, as Section 22.034, Human Resources Code. Creates a new heading, redefines "long-term care services," specifies the composition of the work group, adds text regarding election of officers, adds text regarding reimbursement, specifies which entities are required to conduct a study, adds text regarding certain programs, and requires the work group to report to the commissioner of health and human services. Deletes text regarding the appointment of officers. Makes nonsubstantive changes.

SECTION 1.03.

Redesignates Chapter 113, Human Resources Code, as Section 22.035, Human Resources Code, and transfers responsibility.

SECTION 1.04.

Amends Section 101.001, Human Resources Code, to add text regarding the Department and Board on Aging.

SECTION 1.05.

Amends Section 101.0011, Human Resources Code, to add text regarding sunset language.

SECTION 1.06.

Adds Section 101.0012, Human Resources Code, regarding a training program for board members.

SECTION 1.07.

Amends Section 101.002, Human Resources Code, to amend the sunset provision.

SECTION 1.08.

Amends Section 101.003, Human Resources Code, to create a new heading and require the designation of a presiding officer, rather than a chairman.

SECTION 1.09.

Amends Section 101.0031, Human Resources Code, to add standard sunset language.

SECTION 1.10.

Amends Section 101.0061(d), Human Resources Code, to add standard sunset language.

SECTION 1.11.

Amends Section 101.022, Human Resources Code, to add text regarding advice.

SECTION 1.12.

Amends Sections 101.024(a) and (d), Human Resources Code, to add text regarding senior programs.

SECTION 1.13.

Amends Section 101.0255, Human Resources Code, to add text regarding service standards and agreements.

SECTION 1.14.

Adds Section 101.0256, Human Resources Code, regarding coordinated access to local services.

SECTION 1.15.

Adds Section 101.033, Human Resources Code, regarding the Older Americans Act.

SECTION 1.16.

Adds Section 531.0235, Government Code, regarding biennial disability reports.

SECTION 1.17.

Sets forth provisions regarding transfer of authority and responsibility.

SECTION 1.18.

Sets forth provisions regarding transfer of authority and responsibility.

SECTION 1.19.

Sets forth provisions regarding the work group.

SECTION 1.20.

Requires certain entities to study the feasibility of a subacute care pilot project.

SECTION 1.21.

Sets forth provisions regarding a report on coordination between certain entities.

SECTION 1.22.

Sets forth provisions regarding the application of this Act.

SECTION 1.23.

Requires the Health and Human Services Commission to conduct a certain evaluation.

SECTION 1.24.

Creates an effective date for Article 1.

SECTION 2.01.

Amends Sections 11.001(1)-(3), Human Resources Code, to redefine “board,” “department,” and “commissioner.”

SECTION 2.02.

Amends Section 101.001, Human Resources Code, to create a new heading, define “board” and “department,” and delete the existing section regarding the Texas Department on Aging.

SECTION 2.03.

Adds Section 101.0015, Human Resources Code, regarding the Aging Policy Council.

SECTION 2.04.

Amends Section 101.030(a), Human Resources Code, to delete text regarding the Texas Department on Aging.

SECTION 2.05.

Amends Section 101.059, Human Resources Code, to delete text regarding the Texas Department on Aging, and make conforming changes.

SECTION 2.06.

Repeals a majority of this Act.

SECTION 2.07.

Adds text regarding the application of this Act.

SECTION 2.08.

Adds text regarding references in law.

SECTION 2.09.

Abolishes the Texas Department on Aging.

SECTION 2.10.

Creates an effective date for Article 2.

SECTION 3.01.

Redesignates proposed SECTION 20 as SECTION 3.01.

SECTION 3.02.

Sets forth provisions regarding a required waiver or authorization.

SECTION 3.03.

Redesignates proposed SECTION 21 as SECTION 3.03.