

## **BILL ANALYSIS**

Senate Research Center  
77R10480 KLA-D

H.B. 1420  
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Jurisprudence  
5/1/2001  
Engrossed

### **DIGEST AND PURPOSE**

The Texas Department on Aging (department) provides a variety of services to Texas residents 60 years of age or older. However, the department is prohibited from rendering legal advice and consultation to the people it serves under the "practice of law" provision in the statutes. H.B. 1420 provides that the definition of "practice of law" does not apply to technical advice, consultation, or other legal assistance rendered by an employee or volunteer of an area agency on aging affiliated with the department.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department on Aging in SECTION 1 (Section 81.1011, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 81G, Government Code, by adding Section 81.1011, as follows:

Sec. 81.1011. EXCEPTION FOR CERTAIN LEGAL ASSISTANCE. (a) Provides that, notwithstanding Section 81.101(a), the definition of the "practice of law" does not include technical advice, consultation, and document completion assistance provided by an employee or volunteer of an area agency on aging affiliated with the Texas Department on Aging (department) who meets the requirements of Subsection (b) if that advice, consultation, and assistance relates to a medical power of attorney or other advanced directive under Chapter 166 (Advance Directives), Health and Safety Code, or a designation of guardian before need arises under Section 679 (Designation of Guardian Before Need Arises), Texas Probate Code.

(b) Requires an employee or volunteer described by Subsection (a):

- (1) to provide benefits counseling through an area agency on aging system of access and assistance to agency clients;
- (2) to comply with rules adopted by the department regarding qualifications, training requirements, and other requirements for providing benefits counseling services, including legal assistance and legal awareness services;
- (3) to have received specific training in providing the technical advice, consultation, and assistance described by Subsection (a); and
- (4) to be certified by the department as having met the requirements of this subsection.

(c) Requires the department by rule to develop certification procedures by which the department certifies that an employee or volunteer described by Subsection (a) has met the requirements of Subsections (b)(1), (2), and (3).

SECTION 2. Effective date: September 1, 2001.