

BILL ANALYSIS

Senate Research Center
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H.B. 4154
By: Rose et al. (Nelson)
Health & Human Services
5/8/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill is intended to assist caregivers and elderly individuals who are receiving services from a health and human services (HHS) agency by guiding them through selecting affordable programs and services tailored to meet the individual's needs and desires.

H.B. 4154 directs the Health and Human Services Commission (HHSC) to develop a volunteer advocate program for elderly individuals receiving services from, or at the direction of, HHSC or an HHS agency. In addition, this bill directs HHSC to appoint an advisory committee composed of HHS agencies, providers and nonprofit organizations to advise HHSC on development of the program, including program design, training curriculum, and evaluation of pilot projects operated under the program. The bill requires the advisory committee to submit a report to the governor, lieutenant governor and the legislature on the committee's activities, findings, and recommendations.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.057, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Sections 531.057 and 531.0571, as follows:

Sec. 531.057. VOLUNTEER ADVOCATE PROGRAM FOR THE ELDERLY. (a) Defines "designated caregiver," "elderly," "program," and "volunteer advocate."

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to coordinate with the advisory committee established under Section 531.0571 to develop a volunteer advocate program for the elderly receiving services from or under the direction of the Health and Human Services Commission (HHSC) or a health and human services agency.

(c) Requires the executive commissioner and the advisory committee, in developing the program, to adhere to certain guiding principles.

(d) Authorizes the executive commissioner to enter into agreements with appropriate nonprofit organizations for the provision of services under the program. Provides that a nonprofit organization is eligible to provide services under the program if the organization meets certain criteria.

(e) Requires HHSC to fund the program, including the design and evaluation of pilot projects, development of the volunteer advocate curriculum, and training of volunteers, through existing appropriations to HHSC.

(f) Authorizes HHSC, notwithstanding Subsection (e), to accept gift, grants, or donations for the program from any public or private source to develop and implement the program.

(g) Authorizes the executive commissioner to adopt rules as necessary to implement the program.

Sec. 531.0571. VOLUNTEER ADVOCATE PROGRAM ADVISORY COMMITTEE.

(a) Requires the executive commissioner to appoint an advisory committee composed of certain members.

(b) Requires the advisory to advise the executive commissioner on the development of the volunteer advocate program for the elderly developed under Section 531.057, including reviewing and commenting on the program design and selection of any pilot sites operated under the program, the volunteer advocate training curriculum, requests for oversight requirements for any pilot projects operated under the program, evaluation of any pilot projects operated under the program, requirements for periodic reports to the elderly individual or the individual's designated caregiver and providers of health care or other services, and other issues as requested by the commissioner.

(b-1) Requires the advisory committee, not later than December 1, 2010, to submit a report to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives with primary jurisdiction over matters concerning health and human services on the advisory committee's activities, findings, and recommendations. Provides that this subsection expires September 1, 2011.

(c) Requires HHSC to provide the advisory committee with the staff support necessary to allow the committee to fulfill its duties.

(d) Provides that a member of the advisory committee serves without compensation but is entitled to a per diem allowance and reimbursement at rates established for state employees for travel expenses incurred in the performance of the member's official duties.

(e) Requires expenses under Subsection (d) to be paid from existing appropriations to HHSC but prohibits the amount from exceeding \$50,000 per year.

(f) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the advisory committee.

SECTION 2. Effective date: upon passage or September 1, 2009.