

BILL ANALYSIS

Senate Research Center

H.B. 2610
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Health and Human Services Commission is currently in the process of implementing the Texas Integrated Eligibility Redesign System (TIERS), an online eligibility system that allows a person to electronically submit an application for certain public benefit programs. To help ensure efficiency and accuracy, applicants can receive help from a navigator, who will guide the applicant through the online application process. Faith-based and community-based organizations can help to maximize the benefits of this system by serving as navigators, but need to receive proper training in order to do so.

H.B. 2610 seeks to improve the efficiency and maximize the effectiveness of TIERS by establishing a statewide community-based navigator program to assist individuals applying for certain public assistance benefits online through TIERS or any other electronic eligibility system.

H.B. 2610 amends current law relating to facilitating access to certain public assistance benefits programs and health care providers and services through a community-based navigator program and through promotoras and community health workers.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to board of the Promotora Program Development Committee is transferred to the executive commissioner of the Health and Human Services Commission (executive commissioner) in SECTION 2 (Sections 48.051 and 48.052, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner in SECTION 2 (Section 48.053, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 531, Government Code, by adding Subchapter S, as follows:

SUBCHAPTER S. COMMUNITY-BASED NAVIGATOR PROGRAM

Sec. 531.751. DEFINITIONS. Defines "community-based organization," "faith-based organization," and "navigator" in this subchapter.

Sec. 531.752. ESTABLISHMENT OF COMMUNITY-BASED NAVIGATOR PROGRAM. Requires the Health and Human Services Commission (HHSC), if the executive commissioner of HHSC (executive commissioner) determines that a statewide community-based navigator program can be established and operated using existing resources and without disrupting other HHSC functions, to establish a statewide community-based navigator program through which HHSC will train and certify as navigators volunteers and other representatives of faith- and community-based organizations to assist individuals applying or seeking to apply online for public assistance benefits through the Texas Integrated Eligibility Redesign System (TIERS) or any other electronic eligibility system that is linked to or made a part of that system. Requires HHSC, in establishing the navigator program, to solicit the expertise and assistance of interested persons, including faith- and community-based organizations, and

authorizes HHSC to establish a work group or other temporary, informal group of interested persons to provide input and assistance.

Sec. 531.753. PROGRAM STANDARDS. Requires the executive commissioner to adopt standards to implement this subchapter, including standards:

- (1) subject to Section 531.754, regarding the qualifications and training required for certification as a navigator;
- (2) regarding the suspension, revocation, and, if appropriate, periodic renewal of a navigator certificate;
- (3) to protect the confidentiality of applicant information handled by navigators; and
- (4) regarding any other issues the executive commissioner determines are appropriate.

Sec. 531.754. TRAINING PROGRAM. Requires HHSC to develop and administer a training program for navigators. Requires that the program include training on:

- (1) how to complete an online application for public assistance benefits through TIERS;
- (2) the importance of maintaining the confidentiality of information handled by a navigator;
- (3) the importance of obtaining and submitting complete and accurate information when completing an application for public assistance benefits online through TIERS;
- (4) the financial assistance program, the supplemental nutrition assistance program, the medical assistance program, the child health plan program, and any other public assistance benefits program for which an individual may complete an online application through TIERS; and
- (5) how an individual may apply for other public assistance benefits for which an individual may not complete an online application through the TIERS.

Sec. 531.755. PUBLICATION OF NAVIGATOR LIST. Requires HHSC to maintain and publish on HHSC's Internet website a list of certified navigators.

SECTION 2. Amends Chapter 48, Health and Safety Code, as follows:

CHAPTER 48. New heading: PROMOTORAS AND COMMUNITY HEALTH WORKERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 48.001. DEFINITIONS. Defines "advisory committee," "commission," "commissioner," "department," and "executive commissioner," in this chapter. Makes nonsubstantive changes.

SUBCHAPTER B. TRAINING AND REGULATION OF PROMOTORAS AND COMMUNITY HEALTH WORKERS

Sec. 48.051. PROMOTORA AND COMMUNITY HEALTH WORKER TRAINING PROGRAM. Redesignates existing Section 48.002 as Section 48.051. (a) Requires the Department of State Health Services (DSHS) to establish and operate a program designed to train and educate persons who act as promotoras or community health workers. Requires DSHS, in establishing the training program, to the extent possible, to consider

the applicable recommendations of the Promotora and Community Health Worker Training and Certification Advisory Committee (advisory committee), rather than to consider the report and any findings of and implement any applicable recommendations of the Promotora Program Development Committee.

(b) Provides that participation in a training and education program established under this section is voluntary for a promotora or community health worker who provides services without receiving any compensation and mandatory for a promotora or community health worker who provides services for compensation. Authorizes the executive commissioner, rather than the board of the Promotora Program Development Committee (board), to adopt rules to exempt a promotora or community health worker from mandatory training who has served for three or more years or who has 1,000 or more hours of experience.

Sec. 48.052. **CERTIFICATION PROGRAM FOR PROMOTORAS AND COMMUNITY HEALTH WORKERS.** Redesignates existing Section 48.003 as Section 48.052. (a) Requires DSHS to establish and operate a certification program for persons who act as promotoras or community health workers. Requires the executive commissioner, rather than the board, in establishing the program, to adopt rules that provide minimum standards and guidelines, including participation in the training and education program under Section 48.051, for issuance of a certificate to a person under this section. Requires the executive commissioner, in adopting the minimum standards and guidelines, to consider the applicable recommendations of the advisory committee, rather than requiring the board, in adopting the minimum standards and guidelines, to consider the report and any findings of and adopt any applicable recommendations of the Promotora Program Development Committee. Makes a conforming change.

(b)-(c) Makes a conforming change.

Sec. 48.053. **RULES.** Requires the executive commissioner to adopt rules for the administration of this subchapter.

SUBCHAPTER C. MAXIMIZING BENEFITS FROM EMPLOYMENT OF PROMOTORAS AND COMMUNITY HEALTH WORKERS

Sec. 48.101. **PROMOTORA AND COMMUNITY HEALTH WORKER TRAINING AND CERTIFICATION ADVISORY COMMITTEE.** (a) Requires DSHS to establish a statewide advisory committee composed of representatives from relevant entities appointed by the commissioner of state health services (commissioner). Requires the commissioner to appoint a member of the advisory committee as presiding officer of the advisory committee.

(b) Requires the advisory committee to:

- (1) advise DSHS and HHSC on the implementation of standards, guidelines, and requirements under this chapter that relate to the training and regulation of promotoras and community health workers;
- (2) advise DSHS on matters related to the employment and funding of promotoras and community health workers; and
- (3) provide to DSHS recommendations for a sustainable program for promotoras and community health workers consistent with the purposes of this subchapter.

(c) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, applies to the advisory committee.

Sec. 48.102. **STUDY.** (a) Requires DSHS, in coordination with HHSC, to:

(1) study the desirability and feasibility of employing promotoras and community health workers to provide publicly and privately funded health care services in this state;

(2) explore methods of funding and reimbursing promotoras and community health workers for the provision of health care services and outline the costs to this state of the funding and reimbursement; and

(3) develop recommendations to maximize the employment of and access to promotoras and community health workers, and expand the funding of and reimbursement for services provided by promotoras and community health workers.

(b) Requires DSHS, in conducting the study required by Subsection (a), to consult:

(1) relevant national organizations engaged in the development of community health worker policy;

(2) the advisory committee; and

(3) other individuals or organizations DSHS considers necessary.

(c) Requires DSHS, in conducting the study required under Subsection (a), to assess the impact of promotoras and community health workers on increasing the efficiency of, quality of, and access to health care services.

(d) Requires DSHS, on or before December 1, 2012, to submit to the legislature a report regarding the findings of the study conducted under this section.

(e) Provides that this section expires December 31, 2012.

SECTION 3. Amends the heading to Subtitle B, Title 2, Health and Safety Code, to read as follows:

SUBTITLE B. HEALTH PROGRAMS

SECTION 4. Requires HHSC, if the executive commissioner makes the determination specified by Section 531.752, Government Code, as added by this Act, to establish the statewide community-based navigator program under Subchapter S, Chapter 531, Government Code, as added by this Act, not later than September 1, 2012.

SECTION 5. Requires DSHS, not later than December 31, 2011, to establish the advisory committee as required by Section 48.101, Health and Safety Code, as added by this Act, and adopt the rules required by Section 48.053, Health and Safety Code, as added by this Act.

SECTION 6. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

SECTION 7. Effective date: September 1, 2011.