

By: Jones of Dallas

H.B. No. 3059

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration and functions of the Texas  
3 Department on Aging and to the transfer of certain programs and  
4 activities to the Texas Department on Aging.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 101.022, Human Resources Code, is  
7 amended by adding Subsections (j) and (k) to read as follows:

8 (j) Through appropriate means, the department shall  
9 research trends, services, and programs relating to aging in this  
10 state and shall provide policy analysis and recommendations based  
11 on the results of this research. The department shall serve as a  
12 comprehensive resource on aging issues, on community capacity  
13 building, and on advocacy for the needs of vulnerable older  
14 residents of this state.

15 (k) The department shall develop and implement a statement  
16 of policy and purpose that includes:

17 (1) the philosophy and mission of the department;

18 (2) the department's involvement in providing  
19 opportunities, services, and resources for elderly persons; and

20 (3) the department's focus on high quality of life for  
21 elderly persons.

22 SECTION 2. Subchapter B, Chapter 101, Human Resources Code,  
23 is amended by adding Sections 101.034, 101.035, and 101.036 to read  
24 as follows:

1           Sec. 101.034. ADULT PROTECTIVE SERVICES FOR ELDERLY  
2 PERSONS. Notwithstanding any provision in Chapter 48, the  
3 department shall administer programs and activities in this state  
4 related to the provision of adult protective services for elderly  
5 persons.

6           Sec. 101.035. ELIGIBILITY DETERMINATION AND PROVISION OF  
7 INFORMATION ABOUT AVAILABLE SERVICES. Notwithstanding other law,  
8 the department shall develop and implement procedures to determine  
9 the eligibility of elderly persons for available private and public  
10 services, such as the Medicaid program, and provide to eligible  
11 elderly persons information about available services.

12           Sec. 101.036. COMMUNITY-BASED SERVICES. The department  
13 shall provide appropriate community-based services for elderly  
14 persons.

15           SECTION 3. (a) On or before September 1, 2004, as  
16 determined by the executive director of aging, all powers, duties,  
17 functions, programs, and activities of the Department of Protective  
18 and Regulatory Services related to the provision of adult  
19 protective services for elderly persons, and all funds appropriated  
20 by the legislature for those powers, duties, functions, programs,  
21 and activities, are transferred to the Texas Department on Aging.

22           (b) On the date determined by the executive director of  
23 aging under Subsection (a) of this section:

24           (1) all obligations and contracts of the Department of  
25 Protective and Regulatory Services related to the provision of  
26 adult protective services for elderly persons are transferred to  
27 the Texas Department on Aging;

1           (2) all property and records in the custody of the  
2 Department of Protective and Regulatory Services related to the  
3 provision of adult protective services for elderly persons are  
4 transferred to the Texas Department on Aging; and

5           (3) all complaints, investigations, or contested  
6 cases that are pending before the Department of Protective and  
7 Regulatory Services and that are related to a power, duty,  
8 function, program, or activity transferred under this section are  
9 transferred without change in status to the Texas Department on  
10 Aging.

11          (c) A rule or form adopted by the Department of Protective  
12 and Regulatory Services that relates to a power, duty, function,  
13 program, or activity transferred under this section is a rule or  
14 form of the Texas Department on Aging and remains in effect until  
15 altered by the executive director of aging.

16          (d) A reference in law to the Department of Protective and  
17 Regulatory Services or to the executive director of the Department  
18 of Protective and Regulatory Services that relates to a power,  
19 duty, function, program, or activity transferred under this section  
20 is a reference to the Texas Department on Aging or the executive  
21 director of aging, as appropriate.

22          (e) A license, permit, certification, or order in effect  
23 that was issued by the Department of Protective and Regulatory  
24 Services and that relates to a power, duty, function, program, or  
25 activity transferred under this section is continued in effect as a  
26 license, permit, certification, or order of the Texas Department on  
27 Aging.

1 SECTION 4. This Act takes effect September 1, 2003.