

## **BILL ANALYSIS**

Senate Research Center

H.B. 2691  
By: Truitt (Uresti)  
Jurisprudence  
5/15/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, there are not many services that provide financial management assistance to Texas seniors who do not have enough money to get professional financial counseling but who do not require the more comprehensive types of guardianship. Current law does not provide a mechanism for organizations that offer such money management assistance services to receive grants.

H.B. 2691 authorizes the Health and Human Services Commission (HHSC) to award grants to local guardianship programs that offer or submit a plan acceptable to HHSC and that meet certain requirements.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Health and Human Services Commission is modified in SECTION 1 (Section 531.125, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 531.125, Government Code, as follows:

Sec. 531.125. GRANTS. (a) Creates this subsection from existing text. Authorizes the Health and Human Services Commission (HHSC) to award grants by rule to a local guardianship program, subject to the requirements of this section, and a local legal guardianship program to enable low-income family members and friends to have legal representation in court if they are willing and able to be appointed guardians of proposed wards who are indigent.

(b) Requires a local guardianship program operating in a county that has a population of at least 150,000, to receive a grant under Subsection (a), to offer or submit a plan acceptable to HHSC to offer, among the program's services, a money management service for appropriate clients, as determined by the program. Authorizes the local guardianship program to provide the money management service directly or by referring a client to a money management service that satisfies the requirements under Subsection (c).

(c) Requires a money management service to which a local guardianship program is authorized to refer a client:

(1) to use employees or volunteers to provide bill payment or representative payee services;

(2) to provide the service's employees and volunteers with training, technical support, monitoring, and supervision;

(3) to match employees or volunteers with clients in a manner that ensures that the match is agreeable to both the employee or volunteer and the client;

(4) to insure each employee and volunteer, and to hold the employee or volunteer harmless from liability, for damages proximately caused by acts

or omissions of the employee or volunteer while acting in the course and scope of the employee's or volunteer's duties or functions within the organization;

(5) to have an advisory council that meets regularly and is composed of persons who are knowledgeable with respect to issues related to guardianship, alternatives to guardianship, and related social services programs;

(6) to be administered by a nonprofit corporation meeting certain criteria; and

(7) to refer clients who are in need of other services from an area agency on aging to the appropriate area agency on aging.

(d) Authorizes a local guardianship program operating in a county that has a population of less than 150,000, at the program's option, to offer, either directly or by referral, a money management service among the program's services. Requires the service, if the program elects to offer a money management service by referral, to satisfy the requirements under Subsection (c), except as provided by Subsection (e).

(e) Authorizes HHSC, on request by a local guardianship program, to waive a requirement under Subsection (c) if HHSC determines that the waiver is appropriate to strengthen the continuum of local guardianship programs in a geographic area.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.