

BILL ANALYSIS

C.S.H.B. 802
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been estimated that over 600,000 adults need help with activities of daily living due to injury, chronic illness, disability, or old age. About two-thirds of this population receives all long-term care informally from family and friends. Respite care services provide temporary care to those persons supported by informal caregivers to help relieve the caregiver's burden. Unfortunately, access to respite care for persons in Texas with long-term care needs is currently limited due to a lack of funding and available providers. At this time, the Department of Aging and Disability Services administers limited respite care for older adults and certain functionally disabled individuals.

Efforts to support caregivers play an important role in sustaining the informal care system and preventing future Medicaid spending on institutional care. Research suggests caregiver support services reduce the strain of care giving responsibilities, allow informal caregivers to remain in the workforce, and delay or prevent expensive institutionalization.

C.S.H.B. 802 requires the Department of Aging and Disability Services to implement a lifespan respite care program based on models implemented in other states to improve access to respite care for persons with long-term care needs by building state and local infrastructure to support the provision of respite services.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 802 amends the Human Resources Code to require the Department of Aging and Disability Services (DADS) to implement the lifespan respite services program to promote the provision of respite services through contracts with eligible community-based organizations or local governmental entities to give temporary relief to a primary caregiver who provides care to an individual with a chronic serious health condition or disability. The bill designates a person eligible to participate in the program if the person is the primary caregiver for a person who is related to the caregiver within the second degree of consanguinity or affinity, has a chronic serious health condition or disability, requires assistance with one or more activities of daily living, is not eligible for or not able to participate in any other existing program that provides respite services, and meets criteria specified in rules adopted by the executive commissioner of the Health and Human Services Commission (HHSC). The bill prohibits the executive commissioner from specifying criteria that limit a person's eligibility based on the type of chronic serious health condition or disability of the person receiving care.

C.S.H.B. 802 requires DADS to contract with at least three eligible community-based organizations or local governmental entities selected by DADS to provide respite services and facilitate access to respite services. The bill authorizes DADS to award a contract for respite

services only after issuing a request for proposals for the contract. The bill limits community-based organizations or local governmental entities eligible to contract with DADS as respite services coordinators to an organization or entity that has experience in and an existing procedure for coordinating support services for multiple groups of persons who need support services, connecting caregivers with respite services providers, maintaining and providing information regarding available respite services, and conducting public awareness activities regarding available respite services. The bill requires DADS to include in each contract with a respite services coordinator provisions requiring the coordinator to provide, subject to the availability of money, vouchers for respite services to caregivers participating in the program who are not eligible for services through other programs and connect caregivers participating in the program with available respite services. The bill requires DADS to provide each organization or entity with which DADS contracts with technical assistance and policy and program development support. The bill requires DADS to monitor a contractor's performance using clearly defined and measurable performance objectives. The bill requires a respite services coordinator under contract with DADS to maintain information regarding respite services providers, build partnerships with such providers, and implement public awareness activities regarding respite services.

C.S.H.B. 802 requires the executive commissioner of HHSC to adopt rules necessary to implement the lifespan respite services program. The bill requires the executive commissioner, in consultation with DADS, to submit a report to the governor and the Legislative Budget Board regarding the lifespan respite services program, not later than November 1, 2010. The bill requires the report to include an evaluation of the effect of the program on access to respite services by primary caregivers of persons with chronic serious health conditions or disabilities and Medicaid expenditures for long-term care services provided in institutional care settings.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 802 differs from the original by adding the clarification that the lifespan respite services program is to be implemented through contracts with eligible community-based organizations or local governmental entities. The substitute adds a requirement not in the original that program services be provided under DADS contract with at least three eligible community-based organizations or local governmental entities. The substitute differs from the original by requiring the contracts to be for facilitating access to respite services and providing the services, whereas the original requires the contracts to be for facilitating access to those services or providing the services.

C.S.H.B. 802 differs from the original by changing the duties of the respite services coordinator under contract with DADS to require rather than authorize the coordinator to perform certain functions. The substitute makes one of the coordinator's functions the maintenance of information regarding respite services providers, rather than the maintenance of a registry of providers. The substitute omits a coordinator function relating to the coordination of resources among respite services providers.