

BILL ANALYSIS

C.S.H.B. 3367
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Most people who receive long term care depend exclusively on family and friends, not on paid service providers or institutions. Identifying and meeting the needs of these informal caregivers often determines whether a care recipient can remain at home, rather than enter an institutional setting. Yet, informal caregivers often do not identify themselves as caregivers and are unaware of caregiver support services in Texas.

Agencies that currently provide services lack both a consistent protocol to determine when caregivers should receive an assessment and an automated standardized assessment tool. As a result, the state cannot collect and analyze statewide data necessary to evaluate the needs of informal caregivers, measure the effectiveness of certain interventions, and improve and develop services to sustain informal caregivers. The Department of Aging and Disability Services (DADS) provides services funded under the federal Older Americans Act through a statewide network of 28 area agencies on aging. These area agencies provide services to informal caregivers through the national family caregiver support program.

Some Medicaid entitlement and waiver programs include respite care. Caregiver support services can play a role in preventing institutionalization when accessed at the right time. Yet, there is general acceptance among researchers, advocates, and practitioners that the vast majority of family caregivers do not identify themselves as such and thus, it is difficult to reach this group with information, support, and education that could help prevent or delay institutionalization of the care recipient.

C.S.H.B. 3367 requires DADS to coordinate with area agencies on aging public awareness outreach efforts regarding the role of informal caregivers in long-term care situations, including efforts to raise awareness of support services available in this state for informal caregivers and to coordinate with those agencies in developing and implementing a protocol to evaluate such informal caregivers' needs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3367 amends the Human Resources Code to require the Department of Aging and Disability Services (DADS) to coordinate with area agencies on aging and authorizes DADS, to the extent it considers feasible, to coordinate with other local entities to coordinate public awareness outreach efforts regarding the role of informal caregivers in long-term care situations, including efforts to raise awareness of support services available in Texas for informal caregivers. The bill requires DADS to expand the existing DADS website to provide a link through which a local entity may post and access best practices information regarding informal caregiver support and to create a document template that a local entity may adapt as necessary to

reflect resources available to informal caregivers in the area supported by the entity. The bill requires DADS to create or modify a form to be included in the functional eligibility determination process for long-term care benefits for older persons under the Medicaid program and authorizes DADS, to the extent it considers feasible, to include a form in systems for other long-term care support services. The bill requires DADS to use the form to identify informal caregivers for the purpose of enabling DADS to refer the caregivers to available support services. The bill provides that the form may be based on an existing form, may include optional questions for an informal caregiver, or may include questions from similar forms used in other states.

C.S.H.B. 3367 requires DADS to coordinate with area agencies on aging and, to the extent considered feasible by DADS, authorizes DADS to coordinate with other local entities to develop and implement a protocol to evaluate the needs of certain informal caregivers. The bill requires the protocol to provide guidance on the type of caregivers who should receive an assessment and include the use of a standardized assessment tool that may be based on similar tools used in other states, including the Tailored Caregiver Assessment and Referral process. The bill requires DADS to require area agencies on aging and, to the extent considered feasible by DADS, other local entities to use the protocol and assessment tool and report the data gathered from the assessment tool to DADS.

C.S.H.B. 3367 requires DADS to analyze the data reported and collected from the form and to submit a report not later than December 1 of each even-numbered year to the governor and the Legislative Budget Board that summarizes the data analysis. The bill adds a temporary provision, set to expire January 1, 2013, to require DADS to submit the initial report not later than December 1, 2012. The bill requires DADS to use the data to evaluate the needs of assessed informal caregivers, measure the effectiveness of certain informal caregiver support interventions, improve existing programs, develop new services as necessary to sustain informal caregivers, and determine the effect of informal care giving on employment and employers.

C.S.H.B. 3367 defines "local entity" to mean an area agency on aging, disability resource center, mental retardation authority, provider organization, advocacy group, or other entity that provides support or advocacy for elderly or disabled persons and their caregivers, including informal caregivers. The bill defines "area agency on aging."

C.S.H.B. 3367 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3367 differs from the original by authorizing the Department of Aging and Disability Services (DADS) to coordinate, to the extent it considers feasible, with local entities other than the area agencies on aging with which DADS is required by the substitute, to coordinate public awareness outreach efforts regarding the role of informal caregivers in long-term care situations, whereas the original requires DADS to coordinate such efforts with local entities.

C.S.H.B. 3367 differs from the original by requiring DADS to create or modify a form to be included in the functional eligibility determination process for long-term care benefits for older persons under the Medicaid program, whereas the original does not specify a functionality in the eligibility determination process, nor does it specify older persons as the recipients of Medicare program benefits. The substitute differs from the original by authorizing DADS, to the extent it considers feasible, to include a form in systems for other long-term care support services,

whereas the original requires DADS to create or modify a form applicable to the eligibility determination process for either long-term care benefits under the Medicare program or other long-term care support services.

C.S.H.B. 3367 differs from the original, in the provision regarding the development and implementation of protocols to evaluate caregiver needs, by authorizing DADS to coordinate, to the extent it considers feasible, with local entities other than the area agencies on aging with which DADS is required by the substitute to coordinate in development and implementation of those protocols, whereas the original requires DADS to coordinate such efforts with local entities. The substitute removes a provision identifying the informal caregivers whose needs are to be evaluated as caregivers who access services through a local entity.

C.S.H.B. 3367 differs from the original by requiring DADS to require area agencies on aging and, to the extent DADS considers feasible, other local entities to use the protocol and assessment tool and report the data gathered from the tool to DADS, whereas the original requires DADS to include a provision in DADS contracts with local entities to require such local entities to use the tool and incorporate software permitting the data to be reported to DADS.

C.S.H.B. 3367 adds a temporary provision not in the original requiring DADS to submit an initial report on the protocol installed by DADS not later than December 1, 2012.