

## **BILL ANALYSIS**

S.B. 1766  
By: Watson  
Human Services  
Committee Report (Unamended)

### **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 makes the difference as to whether a care recipient can remain at home rather than enter an institutional setting. Efforts to strengthen the current delivery of caregiver support services could help sustain the informal care system and avoid future Medicaid institutional spending.

Agencies that currently provide services, such as the area agencies on aging, 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.

A Legislative Budget Board (LBB) study identified several weaknesses in support services for informal caregivers. The study found a lack of public awareness of available services offered, inconsistent protocol for determining which caregivers need support and what services will serve them best, as well as an inability to correctly improve services because inadequate data is being collected to measure their efficacy.

S.B. 1766 amends current law relating to informal caregiver support services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.076, as follows:

Sec. 161.076. INFORMAL CAREGIVER SERVICES. (a) Defines "area agency on aging" and "local entity."

(b) Requires the Department of Aging and Disability Services (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 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 this state for informal caregivers.

(c) Requires DADS to perform certain duties to assist a local entity with outreach efforts under this section, including expanding an existing DADS website to provide a link through which a local entity is authorized to post and access best practices information regarding informal caregiver support, and create a document template that a local entity is authorized to adapt as necessary to reflect resources available to informal caregivers in the area supported by the entity.

(d) 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, to the extent considered feasible by DADS, is authorized to include a form in systems for other long-term care support services. Requires DADS to use the form to identify informal caregivers for the purpose of enabling DADS to refer the caregivers to available support services. Authorizes the form to be based on an existing form, include optional questions for an informal caregiver, or include questions from similar forms used in other states.

(e) 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. Requires that the protocol 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.

(f) 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 under Subsection (e) and report the data gathered from the assessment tool to DADS.

(g) Requires DADS to analyze the data reported under Subsection (f) and collected from the form under Subsection (d), and 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.

(g-1) Requires DADS, notwithstanding Subsection (g), to submit the initial report required by that subsection not later than December 1, 2012. Provides that this section expires January 1, 2013.

(h) Requires DADS to use the data analyzed under Subsection (g) 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 caregiving on employment and employers.

SECTION 2. Requires DADS, 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 waivers or authorizations are granted.

SECTION 3. Effective date: September 1, 2009.

#### **EFFECTIVE DATE**

September 1, 2009.