

BILL ANALYSIS

S.B. 1850
By: Shapleigh
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The need for home- and community-based services attendants has been growing at an unprecedented rate in Texas. By 2016, the state will need four million direct care workers. According to the Paraprofessional Healthcare Institute, the demand will be greater than that for teachers from kindergarten through high school (3.8 million), registered nurses (3.1 million), and waiters and waitresses (2.7 million).

Despite the growing demand for home care attendants, Texas will fail to attract a sufficient workforce due to uncompetitive wages and few, if any, benefits. Texas ranks 50th in regards to mean wages for personal and home care aides. Over a quarter of a million attendants across Texas make \$7.50 an hour, earning an annual income of \$15,201. Furthermore, home care attendants do not receive benefits, sick days, or paid vacation days. Many attendants must provide for their own health care coverage as well as transportation expenses.

As proposed, S.B. 1850 establishes a 13 member Home- and Community-based Workforce Council (council) to address issues related to home- and community-based services. The council is to be composed of recipients of home- and community-based services, family members of recipients, attendants, aging and disability advocacy organizations, and providers of services. The council is intended to identify and study workforce issues, review the current and anticipated need and workforce availability, and solicit, review, and make policy and funding recommendations to the executive commissioner of the Texas Health and Human Services Commission and the legislature.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Chapter 531, Government Code, by adding Subchapter P-1, as follows:

SUBCHAPTER P-1. HOME- AND COMMUNITY-BASED SERVICES WORKFORCE COUNCIL

Sec. 531.621. DEFINITION. Defines "council."

Sec. 531.622. HOME- AND COMMUNITY-BASED SERVICES WORKFORCE COUNCIL; COMPOSITION. (a) Establishes the home- and community-based services workforce council (council).

(b) Provides that the council is composed of 13 members appointed by the executive commissioner of the Health and Human Services Commission (HHSC) (executive commissioner) as follows: two members who are, at the time of appointment, recipients of home- and community-based services; one family member of a child who is, at the time of appointment, receiving home- and community-based services; three members who, at the time of appointment, provide attendant services to recipients of home- and community-based services; one member who is a representative of the Disability Policy Consortium; one

member who is a representative of the American Association of Retired Persons; one member who is a representative of the Texas Association of Area Agencies on Aging; one member who is a representative of the Texas Association of Centers for Independent Living; one member who is a representative of a local mental retardation authority; one member who is a representative of the Texas Association for Home Care, Incorporated; and one member who is a representative of the Private Providers Association of Texas.

(c) Provides that a member of the council serves at the pleasure of the executive commissioner.

(d) Requires the executive commissioner to select a presiding officer from among the members of the council.

Sec. 531.623. COMPENSATION. Provides that a council member serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a council member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Sec. 531.624. COUNCIL POWERS AND DUTIES. (a) Requires the council to at least quarterly, meet at the call of the presiding officer; identify and study workforce issues relating to the provision of home- and community-based services to the aging and disabled populations of this state, including issues relating to wages and benefits, turnover, recruitment, and retention of personal attendants; review the current and anticipated need in this state for home- and community-based services and the workforce available in this state to meet that need; solicit, review, and make policy and funding recommendations relating to home- and community-based services; request reports and other information relating to the home- and community-based services workforce as necessary from the executive commissioner, the Department of Aging and Disability Services, and other health and human services agencies, the Texas Workforce Commission, or the attorney general; and make recommendations to the executive commissioner and the legislature regarding the issues specified in Subdivision (2) (relating to workforce issues relating to the provision of home- and community-based services to the aging and disabled populations of this state).

(b) Requires HHSC to provide assistance and resources to the council as necessary for the council to perform its duties under this subchapter.

Sec. 531.625. REPORTS. (a) Requires the council, not later than September 1 of each even-numbered year, to submit a report based on its findings to the executive commissioner, the governor, the lieutenant governor, the speaker of the house of representatives, the senate finance committee, the house appropriations committee, the senate health and human services committee, and the house human services committee.

(b) Requires that the report include an analysis of the current and anticipated funding needs for home- and community-based services in this state and the workforce available to meet that need; identification of and significant problems in the home- and community-based services workforce; and policy and funding recommendations.

SECTION 2. Requires the executive commissioner, not later than the 30th day after the effective date of this Act, to appoint the members of the home- and community-based services workforce council as established by Subchapter P-1, Chapter 531, Government Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

Effective date: upon passage or September 1, 2009.

