

1 AN ACT

2 relating to the creation of the lifespan respite services program.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 161, Human Resources Code, is amended by
5 adding Subchapter F to read as follows:

6 SUBCHAPTER F. LIFESPAN RESPITE SERVICES PROGRAM

7 Sec. 161.151. DEFINITIONS. In this subchapter:

8 (1) "Chronic serious health condition" means a health
9 condition that:

10 (A) requires periodic treatment by a health care
11 provider, including a nurse as authorized by Chapter 301,
12 Occupations Code, or a physician assistant as authorized by Chapter
13 204, Occupations Code; and

14 (B) continues over an extended period, including
15 recurring episodes of a single underlying health condition such as
16 asthma, diabetes, epilepsy, or multiple sclerosis.

17 (2) "Respite services" means support services,
18 including in-home services or adult day-care services, that are
19 provided for the purpose of temporarily giving relief to a primary
20 caregiver who provides care to an individual with a chronic serious
21 health condition or disability.

22 (3) "Respite services coordinator" means a
23 community-based organization or local governmental entity with
24 which the department enters into a contract to facilitate access to

1 respite services under Section 161.154.

2 Sec. 161.152. LIFESPAN RESPITE SERVICES PROGRAM. The
3 department shall implement the lifespan respite services program to
4 promote the provision of respite services through contracts with
5 eligible community-based organizations or local governmental
6 entities.

7 Sec. 161.153. ELIGIBILITY. (a) A person is eligible to
8 participate in the program if the person:

9 (1) is the primary caregiver for a person who:

10 (A) is related to the caregiver within the second
11 degree of consanguinity or affinity;

12 (B) has a chronic serious health condition or
13 disability;

14 (C) requires assistance with one or more
15 activities of daily living; and

16 (D) is not eligible for or not able to
17 participate in any other existing program that provides respite
18 services; and

19 (2) meets criteria specified in rules adopted by the
20 executive commissioner.

21 (b) The executive commissioner may not specify criteria
22 that limit a person's eligibility based on the type of chronic
23 serious health condition or disability of the person receiving
24 care.

25 Sec. 161.154. RESPITE SERVICES CONTRACTS. (a) The
26 department shall contract with at least three eligible
27 community-based organizations or local governmental entities

1 selected by the department to:

2 (1) provide respite services; and

3 (2) facilitate access to respite services.

4 (b) The department may award a contract under this section
5 only after issuing a request for proposals for the contract.

6 (c) A community-based organization or local governmental
7 entity is eligible to contract under this section only if the
8 organization or entity has experience in and an existing procedure
9 for:

10 (1) coordinating support services for multiple groups
11 of persons who need support services, including persons with a
12 physical or intellectual disability and elderly persons;

13 (2) connecting caregivers with respite services
14 providers;

15 (3) maintaining and providing information regarding
16 available respite services; and

17 (4) conducting public awareness activities regarding
18 available respite services.

19 (d) The department shall include in each contract with a
20 respite services coordinator provisions requiring the coordinator
21 to:

22 (1) subject to the availability of money, provide
23 vouchers for respite services to caregivers participating in the
24 program who are not eligible for respite services provided through
25 other programs; and

26 (2) connect caregivers participating in the program
27 with available respite services.

1 (e) The department shall provide each community-based
2 organization or local governmental entity with which the department
3 contracts under this subchapter with:

4 (1) technical assistance; and

5 (2) policy and program development support.

6 (f) The department shall monitor a contractor's performance
7 under a contract entered into under this subchapter using clearly
8 defined and measurable performance objectives.

9 Sec. 161.155. RESPITE SERVICES COORDINATOR FUNCTIONS. A
10 respite services coordinator under contract with the department
11 shall:

12 (1) maintain information regarding respite services
13 providers;

14 (2) build partnerships with respite services
15 providers; and

16 (3) implement public awareness activities regarding
17 respite services.

18 Sec. 161.156. RULES. The executive commissioner shall adopt
19 rules necessary to implement this subchapter.

20 SECTION 2. Not later than November 1, 2010, the executive
21 commissioner of the Health and Human Services Commission, in
22 consultation with the Department of Aging and Disability Services,
23 shall submit a report to the governor and the Legislative Budget
24 Board regarding the lifespan respite services program established
25 under Subchapter F, Chapter 161, Human Resources Code, as added by
26 this Act. The report must include an evaluation of the effect of
27 the program on:

1 (1) access to respite services by primary caregivers
2 of persons with chronic serious health conditions or disabilities;
3 and

4 (2) Medicaid expenditures for long-term care services
5 provided in institutional care settings.

6 SECTION 3. This Act does not make an appropriation. A
7 provision in this Act that creates a new governmental program,
8 creates a new entitlement, or imposes a new duty on a governmental
9 entity is not mandatory during a fiscal period for which the
10 legislature has not made a specific appropriation to implement the
11 provision.

12 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 802 was passed by the House on May 1, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 802 on May 23, 2009, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 802 was passed by the Senate, with amendments, on May 20, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor