

By: Davis of Harris

H.B. No. 802

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the lifespan respite services program.

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

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

SUBCHAPTER F. LIFESPAN RESPITE SERVICES PROGRAM

Sec. 161.151. DEFINITIONS. In this subchapter:

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

(A) requires periodic treatment by a health care provider or a nurse or physician's assistant under the direct supervision of a health care provider; and

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

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

(3) "Respite services coordinator" means a community-based organization or local governmental entity with which the department enters into a contract to facilitate access to respite services under Section 161.154.

1 Sec. 161.152. LIFESPAN RESPITE SERVICES PROGRAM. The
2 department shall implement the lifespan respite services program to
3 promote the provision of respite services.

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

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

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

9 (B) has a chronic serious health condition or
10 disability;

11 (C) requires assistance with one or more
12 activities of daily living; and

13 (D) is not eligible for or not able to
14 participate in any other existing program that provides respite
15 services; and

16 (2) meets criteria specified in rules adopted by the
17 executive commissioner.

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

22 Sec. 161.154. RESPITE SERVICES CONTRACTS. (a) The
23 department shall contract with eligible community-based
24 organizations or local governmental entities selected by the
25 department to:

26 (1) provide respite services; or

27 (2) facilitate access to respite services.

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

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

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

10 (2) connecting caregivers with respite services
11 providers;

12 (3) maintaining and providing information regarding
13 available respite services; and

14 (4) conducting public awareness activities regarding
15 available respite services.

16 (d) The department shall include in each contract with a
17 respite services coordinator provisions requiring the coordinator
18 to:

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

23 (2) connect caregivers participating in the program
24 with available respite services.

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

1 (1) technical assistance; and

2 (2) policy and program development support.

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

6 Sec. 161.155. RESPITE SERVICES COORDINATOR FUNCTIONS. A
7 respite services coordinator under contract with the department
8 may:

9 (1) maintain a registry of respite services providers;

10 (2) coordinate resources among respite services
11 providers;

12 (3) build partnerships with respite services
13 providers; and

14 (4) implement public awareness activities regarding
15 respite services.

16 Sec. 161.156. RULES. The executive commissioner shall adopt
17 rules necessary to implement this subchapter.

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

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

1 and

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

4 SECTION 3. This Act takes effect September 1, 2009.