

By: Naishtat

H.B. No. 3260

A BILL TO BE ENTITLED

AN ACT

relating to delivery of certain services through consumer direction to elderly persons and persons with disabilities.

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

SECTION 1. Section 531.051, Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) Section 301.251(a), Occupations Code, does not apply to delivery of a service for which payment is provided under the consumer-directed service option developed under this section if:

(1) the person who delivers the service:

(A) has not been denied a license under Chapter 301, Occupations Code;

(B) has not been issued a license under Chapter 301, Occupations Code, that is revoked or suspended; and

(C) performs a service that is not expressly prohibited from delegation by the Texas Board of Nursing; and

(2) the consumer who receives the service:

(A) has a disability and the service would have been performed by the consumer or the consumer's legally authorized representative except for that disability; and

(B) if:

(i) the consumer is capable of training the person in the proper performance of the service, the consumer directs the person to deliver the service; or

1 (ii) the consumer is not capable of
2 training the person in the proper performance of the service, the
3 consumer's legally authorized representative is capable of
4 training the person in the proper performance of the service and
5 directs the person to deliver the service.

6 (f) If the person delivers the service under Subsection
7 (e)(2)(B)(ii), the legally authorized representative must be
8 present when the service is performed or be immediately accessible
9 to the person who delivers the service. If the person will perform
10 the service when the representative is not present, the
11 representative must observe the person performing the service at
12 least once to assure the representative that the person performing
13 the service can competently perform that service.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.