

By: Rose

H.B. No. 3367

A BILL TO BE ENTITLED

AN ACT

relating to informal caregiver support services.

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

SECTION 1. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.076 to read as follows:

Sec. 161.076. INFORMAL CAREGIVER SERVICES. (a) In this section:

(1) "Area agency on aging" has the meaning assigned by Section 161.075.

(2) "Local entity" means an area agency on aging, disability resource center, mental retardation authority, provider organization, advocacy group, or other entity that provides support or advocacy for elderly or disabled persons and their caregivers, including informal caregivers.

(b) The department shall coordinate with 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) The department shall perform the following duties to assist a local entity with outreach efforts under this section:

(1) expand an existing department website to provide a link through which a local entity may post and access best practices information regarding informal caregiver support; and

1 (2) create a document template that a local entity may
2 adapt as necessary to reflect resources available to informal
3 caregivers in the area supported by the entity.

4 (d) The department shall create or modify a form to be
5 included in the eligibility determination process for long-term
6 care benefits under the Medicaid program or other long-term care
7 support services. The department shall use the form to identify
8 informal caregivers for the purpose of enabling the department to
9 refer the caregivers to available support services. The form may be
10 based on an existing form, may include optional questions for an
11 informal caregiver, or may include questions from similar forms
12 used in other states.

13 (e) The department, in coordination with local entities,
14 shall develop and implement a protocol to evaluate the needs of
15 certain informal caregivers who access services through a local
16 entity. The protocol must:

17 (1) provide guidance on the type of caregivers who
18 should receive an assessment; and

19 (2) include the use of a standardized assessment tool
20 that may be based on similar tools used in other states, including
21 the Tailored Caregiver Assessment and Referral process.

22 (f) The department shall include a provision in department
23 contracts with local entities to require local entities to use the
24 protocol and assessment tool under Subsection (e) and incorporate
25 software that will permit the data gathered from the assessment
26 tool to be reported to the department.

27 (g) The department shall analyze the data reported under

1 Subsection (f) and collected from the form under Subsection (d),
2 and shall submit a report not later than December 1 of each
3 even-numbered year to the governor and the Legislative Budget Board
4 that summarizes the data analysis.

5 (h) The department shall use the data analyzed under
6 Subsection (g) to:

7 (1) evaluate the needs of assessed informal
8 caregivers;

9 (2) measure the effectiveness of certain informal
10 caregiver support interventions;

11 (3) improve existing programs;

12 (4) develop new services as necessary to sustain
13 informal caregivers; and

14 (5) determine the effect of informal caregiving on
15 employment and employers.

16 SECTION 2. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

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