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H.B. No. 4154

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation by the Health and Human Services
3 Commission of a volunteer advocate program for certain elderly
4 individuals.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Sections 531.057 and 531.0571 to read as follows:

8 Sec. 531.057. VOLUNTEER ADVOCATE PROGRAM FOR THE ELDERLY.

9 (a) In this section:

10 (1) "Designated caregiver" means:

11 (A) a person designated as a caregiver by an
12 elderly individual receiving services from or under the direction
13 of the commission or a health and human services agency; or

14 (B) a court-appointed guardian of an elderly
15 individual receiving services from or under the direction of the
16 commission or a health and human services agency.

17 (2) "Elderly" means individuals who are at least 60
18 years of age.

19 (3) "Program" means the volunteer advocate program for
20 the elderly created under this section.

21 (4) "Volunteer advocate" means a person who
22 successfully completes the volunteer advocate curriculum described
23 by Subsection (c)(2).

24 (b) The executive commissioner shall coordinate with the

1 advisory committee established under Section 531.0571 to develop a
2 volunteer advocate program for the elderly receiving services from
3 or under the direction of the commission or a health and human
4 services agency.

5 (c) In developing the program, the executive commissioner
6 and the advisory committee shall adhere to the following
7 principles:

8 (1) the intent of the program is to evaluate, through
9 operation of pilot projects, whether providing the services of a
10 trained volunteer advocate selected by an elderly individual or the
11 individual's designated caregiver is effective in achieving the
12 following goals:

13 (A) extend the time the elderly individual can
14 remain in an appropriate home setting;

15 (B) maximize the efficiency of services
16 delivered to the elderly individual by focusing on services needed
17 to sustain family caregiving;

18 (C) protect the elderly individual by providing a
19 knowledgeable third party to review the quality of care and
20 services delivered to the individual and the care options available
21 to the individual and the individual's family; and

22 (D) facilitate communication between the elderly
23 individual or the individual's designated caregiver and providers
24 of health care and other services;

25 (2) a volunteer advocate curriculum must be
26 established that incorporates best practices as determined and
27 recognized by a professional organization recognized in the elder

1 health care field;

2 (3) the use of pro bono assistance from qualified
3 professionals must be maximized in developing the volunteer
4 advocate curriculum and designing the program;

5 (4) trainers must be certified on the ability to
6 deliver training;

7 (5) training shall be offered through multiple
8 community-based organizations; and

9 (6) participation in the program is voluntary and must
10 be initiated by the elderly individual or the individual's
11 designated caregiver.

12 (d) The executive commissioner may enter into agreements
13 with appropriate nonprofit organizations for the provision of
14 services under the program. A nonprofit organization is eligible
15 to provide services under the program if the organization:

16 (1) has significant experience in providing services
17 to elderly individuals;

18 (2) has the capacity to provide training and
19 supervision for individuals interested in serving as volunteer
20 advocates; and

21 (3) meets any other criteria prescribed by the
22 executive commissioner.

23 (e) The commission shall fund the program, including the
24 design and evaluation of pilot projects, development of the
25 volunteer advocate curriculum, and training of volunteers, through
26 existing appropriations to the commission.

27 (f) Notwithstanding Subsection (e), the commission may

1 accept gifts, grants, or donations for the program from any public
2 or private source to:

- 3 (1) carry out the design of the program;
4 (2) develop criteria for evaluation of any proposed
5 pilot projects operated under the program;
6 (3) develop a volunteer advocate training curriculum;
7 (4) conduct training for volunteer advocates; and
8 (5) develop a request for offers to conduct any
9 proposed pilot projects under the program.

10 (g) The executive commissioner may adopt rules as necessary
11 to implement the program.

12 Sec. 531.0571. VOLUNTEER ADVOCATE PROGRAM ADVISORY
13 COMMITTEE. (a) The executive commissioner shall appoint an
14 advisory committee composed of the following members:

- 15 (1) a representative of the Department of Aging and
16 Disability Services;
17 (2) a representative of the Department of Assistive
18 and Rehabilitative Services;
19 (3) a representative of the Department of State Health
20 Services;
21 (4) a representative of the Texas Silver-Haired
22 Legislature;
23 (5) a representative of an area agency on aging;
24 (6) a representative of United Ways of Texas;
25 (7) a home health provider;
26 (8) an assisted living provider;
27 (9) a nursing home provider;

1 (10) a representative of Texas CASA;

2 (11) a licensed gerontologist; and

3 (12) a representative of AARP.

4 (b) The advisory committee shall advise the executive
5 commissioner on the development of the volunteer advocate program
6 for the elderly developed under Section 531.057, including
7 reviewing and commenting on:

8 (1) program design and selection of any pilot sites
9 operated under the program;

10 (2) the volunteer advocate training curriculum;

11 (3) requests for oversight requirements for any pilot
12 projects operated under the program;

13 (4) evaluation of any pilot projects operated under
14 the program;

15 (5) requirements for periodic reports to the elderly
16 individual or the individual's designated caregiver and providers
17 of health care or other services; and

18 (6) other issues as requested by the executive
19 commissioner.

20 (b-1) Not later than December 1, 2010, the advisory
21 committee shall submit a report to the governor, lieutenant
22 governor, speaker of the house of representatives, and standing
23 committees of the senate and house of representatives with primary
24 jurisdiction over matters concerning health and human services on
25 the advisory committee's activities, findings, and
26 recommendations. This subsection expires September 1, 2011.

27 (c) The commission shall provide the advisory committee

1 with the staff support necessary to allow the committee to fulfill
2 its duties.

3 (d) A member of the advisory committee serves without
4 compensation but is entitled to a per diem allowance and
5 reimbursement at rates established for state employees for travel
6 expenses incurred in the performance of the member's official
7 duties.

8 (e) Expenses under Subsection (d) shall be paid from
9 existing appropriations to the commission but may not exceed
10 \$50,000 per year.

11 (f) Chapter 2110 does not apply to the advisory committee.

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