

1-1 By: Rose, Naishtat, Menendez H.B. No. 4154  
1-2 (Senate Sponsor - Nelson)  
1-3 (In the Senate - Received from the House May 7, 2009;  
1-4 May 8, 2009, read first time and referred to Committee on Health and  
1-5 Human Services; May 13, 2009, reported favorably by the following  
1-6 vote: Yeas 9, Nays 0; May 13, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the creation by the Health and Human Services  
1-10 Commission of a volunteer advocate program for certain elderly  
1-11 individuals.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
1-14 amended by adding Sections 531.057 and 531.0571 to read as follows:

1-15 Sec. 531.057. VOLUNTEER ADVOCATE PROGRAM FOR THE ELDERLY.

1-16 (a) In this section:

1-17 (1) "Designated caregiver" means:

1-18 (A) a person designated as a caregiver by an  
1-19 elderly individual receiving services from or under the direction  
1-20 of the commission or a health and human services agency; or

1-21 (B) a court-appointed guardian of an elderly  
1-22 individual receiving services from or under the direction of the  
1-23 commission or a health and human services agency.

1-24 (2) "Elderly" means individuals who are at least 60  
1-25 years of age.

1-26 (3) "Program" means the volunteer advocate program for  
1-27 the elderly created under this section.

1-28 (4) "Volunteer advocate" means a person who  
1-29 successfully completes the volunteer advocate curriculum described  
1-30 by Subsection (c)(2).

1-31 (b) The executive commissioner shall coordinate with the  
1-32 advisory committee established under Section 531.0571 to develop a  
1-33 volunteer advocate program for the elderly receiving services from  
1-34 or under the direction of the commission or a health and human  
1-35 services agency.

1-36 (c) In developing the program, the executive commissioner  
1-37 and the advisory committee shall adhere to the following  
1-38 principles:

1-39 (1) the intent of the program is to evaluate, through  
1-40 operation of pilot projects, whether providing the services of a  
1-41 trained volunteer advocate selected by an elderly individual or the  
1-42 individual's designated caregiver is effective in achieving the  
1-43 following goals:

1-44 (A) extend the time the elderly individual can  
1-45 remain in an appropriate home setting;

1-46 (B) maximize the efficiency of services  
1-47 delivered to the elderly individual by focusing on services needed  
1-48 to sustain family caregiving;

1-49 (C) protect the elderly individual by providing a  
1-50 knowledgeable third party to review the quality of care and  
1-51 services delivered to the individual and the care options available  
1-52 to the individual and the individual's family; and

1-53 (D) facilitate communication between the elderly  
1-54 individual or the individual's designated caregiver and providers  
1-55 of health care and other services;

1-56 (2) a volunteer advocate curriculum must be  
1-57 established that incorporates best practices as determined and  
1-58 recognized by a professional organization recognized in the elder  
1-59 health care field;

1-60 (3) the use of pro bono assistance from qualified  
1-61 professionals must be maximized in developing the volunteer  
1-62 advocate curriculum and designing the program;

1-63 (4) trainers must be certified on the ability to  
1-64 deliver training;

2-1                   (5) training shall be offered through multiple  
 2-2 community-based organizations; and  
 2-3                   (6) participation in the program is voluntary and must  
 2-4 be initiated by the elderly individual or the individual's  
 2-5 designated caregiver.  
 2-6                   (d) The executive commissioner may enter into agreements  
 2-7 with appropriate nonprofit organizations for the provision of  
 2-8 services under the program. A nonprofit organization is eligible  
 2-9 to provide services under the program if the organization:  
 2-10                   (1) has significant experience in providing services  
 2-11 to elderly individuals;  
 2-12                   (2) has the capacity to provide training and  
 2-13 supervision for individuals interested in serving as volunteer  
 2-14 advocates; and  
 2-15                   (3) meets any other criteria prescribed by the  
 2-16 executive commissioner.  
 2-17                   (e) The commission shall fund the program, including the  
 2-18 design and evaluation of pilot projects, development of the  
 2-19 volunteer advocate curriculum, and training of volunteers, through  
 2-20 existing appropriations to the commission.  
 2-21                   (f) Notwithstanding Subsection (e), the commission may  
 2-22 accept gifts, grants, or donations for the program from any public  
 2-23 or private source to:  
 2-24                   (1) carry out the design of the program;  
 2-25                   (2) develop criteria for evaluation of any proposed  
 2-26 pilot projects operated under the program;  
 2-27                   (3) develop a volunteer advocate training curriculum;  
 2-28                   (4) conduct training for volunteer advocates; and  
 2-29                   (5) develop a request for offers to conduct any  
 2-30 proposed pilot projects under the program.  
 2-31                   (g) The executive commissioner may adopt rules as necessary  
 2-32 to implement the program.  
 2-33                   Sec. 531.0571. VOLUNTEER ADVOCATE PROGRAM ADVISORY  
 2-34 COMMITTEE. (a) The executive commissioner shall appoint an  
 2-35 advisory committee composed of the following members:  
 2-36                   (1) a representative of the Department of Aging and  
 2-37 Disability Services;  
 2-38                   (2) a representative of the Department of Assistive  
 2-39 and Rehabilitative Services;  
 2-40                   (3) a representative of the Department of State Health  
 2-41 Services;  
 2-42                   (4) a representative of the Texas Silver-Haired  
 2-43 Legislature;  
 2-44                   (5) a representative of an area agency on aging;  
 2-45                   (6) a representative of United Ways of Texas;  
 2-46                   (7) a home health provider;  
 2-47                   (8) an assisted living provider;  
 2-48                   (9) a nursing home provider;  
 2-49                   (10) a representative of Texas CASA;  
 2-50                   (11) a licensed gerontologist; and  
 2-51                   (12) a representative of AARP.  
 2-52                   (b) The advisory committee shall advise the executive  
 2-53 commissioner on the development of the volunteer advocate program  
 2-54 for the elderly developed under Section 531.057, including  
 2-55 reviewing and commenting on:  
 2-56                   (1) program design and selection of any pilot sites  
 2-57 operated under the program;  
 2-58                   (2) the volunteer advocate training curriculum;  
 2-59                   (3) requests for oversight requirements for any pilot  
 2-60 projects operated under the program;  
 2-61                   (4) evaluation of any pilot projects operated under  
 2-62 the program;  
 2-63                   (5) requirements for periodic reports to the elderly  
 2-64 individual or the individual's designated caregiver and providers  
 2-65 of health care or other services; and  
 2-66                   (6) other issues as requested by the executive  
 2-67 commissioner.  
 2-68                   (b-1) Not later than December 1, 2010, the advisory  
 2-69 committee shall submit a report to the governor, lieutenant

3-1 governor, speaker of the house of representatives, and standing  
3-2 committees of the senate and house of representatives with primary  
3-3 jurisdiction over matters concerning health and human services on  
3-4 the advisory committee's activities, findings, and  
3-5 recommendations. This subsection expires September 1, 2011.

3-6 (c) The commission shall provide the advisory committee  
3-7 with the staff support necessary to allow the committee to fulfill  
3-8 its duties.

3-9 (d) A member of the advisory committee serves without  
3-10 compensation but is entitled to a per diem allowance and  
3-11 reimbursement at rates established for state employees for travel  
3-12 expenses incurred in the performance of the member's official  
3-13 duties.

3-14 (e) Expenses under Subsection (d) shall be paid from  
3-15 existing appropriations to the commission but may not exceed  
3-16 \$50,000 per year.

3-17 (f) Chapter 2110 does not apply to the advisory committee.

3-18 SECTION 2. This Act takes effect immediately if it receives  
3-19 a vote of two-thirds of all the members elected to each house, as  
3-20 provided by Section 39, Article III, Texas Constitution. If this  
3-21 Act does not receive the vote necessary for immediate effect, this  
3-22 Act takes effect September 1, 2009.

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