

1-1 By: Watson S.B. No. 1484  
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 22, 2009, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; April 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to delivery of certain services through consumer direction  
1-9 to elderly persons and persons with disabilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 531.051, Government Code, is amended by  
1-12 adding Subsections (e) and (f) to read as follows:

1-13 (e) Section 301.251(a), Occupations Code, does not apply to  
1-14 delivery of a service for which payment is provided under the  
1-15 consumer-directed service option developed under this section if:

1-16 (1) the person who delivers the service:

1-17 (A) has not been denied a license under Chapter  
1-18 301, Occupations Code;

1-19 (B) has not been issued a license under Chapter  
1-20 301, Occupations Code, that is revoked or suspended; and

1-21 (C) performs a service that is not expressly  
1-22 prohibited from delegation by the Texas Board of Nursing; and

1-23 (2) the consumer who receives the service:

1-24 (A) has a disability and the service would have  
1-25 been performed by the consumer or the consumer's legally authorized  
1-26 representative except for that disability; and

1-27 (B) if:

1-28 (i) the consumer is capable of training the  
1-29 person in the proper performance of the service, the consumer  
1-30 directs the person to deliver the service; or

1-31 (ii) the consumer is not capable of  
1-32 training the person in the proper performance of the service, the  
1-33 consumer's legally authorized representative is capable of  
1-34 training the person in the proper performance of the service and  
1-35 directs the person to deliver the service.

1-36 (f) If the person delivers the service under Subsection  
1-37 (e)(2)(B)(ii), the legally authorized representative must be  
1-38 present when the service is performed or be immediately accessible  
1-39 to the person who delivers the service. If the person will perform  
1-40 the service when the representative is not present, the  
1-41 representative must observe the person performing the service at  
1-42 least once to assure the representative that the person performing  
1-43 the service can competently perform that service.

1-44 SECTION 2. This Act takes effect immediately if it receives  
1-45 a vote of two-thirds of all the members elected to each house, as  
1-46 provided by Section 39, Article III, Texas Constitution. If this  
1-47 Act does not receive the vote necessary for immediate effect, this  
1-48 Act takes effect September 1, 2009.

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