

By: Watson

S.B. No. 1766

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 or other entity that provides services and support for older or disabled persons and their caregivers.

(b) The department shall coordinate with area agencies on aging and, to the extent considered feasible by the department, may coordinate with other 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

(2) create a document template that a local entity may

1 adapt as necessary to reflect resources available to informal
2 caregivers in the area supported by the entity.

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

14 (e) The department shall coordinate with area agencies on
15 aging and, to the extent considered feasible by the department, may
16 coordinate with other local entities to develop and implement a
17 protocol to evaluate the needs of certain informal caregivers. The
18 protocol must:

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

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

24 (f) The department shall require area agencies on aging and,
25 to the extent considered feasible by the department, other local
26 entities to use the protocol and assessment tool under Subsection
27 (e) and report the data gathered from the assessment tool to the

1 department.

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

7 (g-1) Notwithstanding Subsection (g), the department shall
8 submit the initial report required by that subsection not later
9 than December 1, 2012. This subsection expires January 1, 2013.

10 (h) The department shall use the data analyzed under
11 Subsection (g) to:

12 (1) evaluate the needs of assessed informal
13 caregivers;

14 (2) measure the effectiveness of certain informal
15 caregiver support interventions;

16 (3) improve existing programs;

17 (4) develop new services as necessary to sustain
18 informal caregivers; and

19 (5) determine the effect of informal caregiving on
20 employment and employers.

21 SECTION 2. If before implementing any provision of this Act
22 a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

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