

1-1 By: Watson S.B. No. 1766
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 24, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 24, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1766 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to informal caregiver support services.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,
1-13 is amended by adding Section 161.076 to read as follows:

1-14 Sec. 161.076. INFORMAL CAREGIVER SERVICES. (a) In this
1-15 section:

1-16 (1) "Area agency on aging" has the meaning assigned by
1-17 Section 161.075.

1-18 (2) "Local entity" means an area agency on aging or
1-19 other entity that provides services and support for older or
1-20 disabled persons and their caregivers.

1-21 (b) The department shall coordinate with area agencies on
1-22 aging and, to the extent considered feasible by the department, may
1-23 coordinate with other local entities to coordinate public awareness
1-24 outreach efforts regarding the role of informal caregivers in
1-25 long-term care situations, including efforts to raise awareness of
1-26 support services available in this state for informal caregivers.

1-27 (c) The department shall perform the following duties to
1-28 assist a local entity with outreach efforts under this section:

1-29 (1) expand an existing department website to provide a
1-30 link through which a local entity may post and access best practices
1-31 information regarding informal caregiver support; and

1-32 (2) create a document template that a local entity may
1-33 adapt as necessary to reflect resources available to informal
1-34 caregivers in the area supported by the entity.

1-35 (d) The department shall create or modify a form to be
1-36 included in the functional eligibility determination process for
1-37 long-term care benefits for older persons under the Medicaid
1-38 program and, to the extent considered feasible by the department,
1-39 may include a form in systems for other long-term care support
1-40 services. The department shall use the form to identify informal
1-41 caregivers for the purpose of enabling the department to refer the
1-42 caregivers to available support services. The form may be based on
1-43 an existing form, may include optional questions for an informal
1-44 caregiver, or may include questions from similar forms used in
1-45 other states.

1-46 (e) The department shall coordinate with area agencies on
1-47 aging and, to the extent considered feasible by the department, may
1-48 coordinate with other local entities to develop and implement a
1-49 protocol to evaluate the needs of certain informal caregivers. The
1-50 protocol must:

1-51 (1) provide guidance on the type of caregivers who
1-52 should receive an assessment; and

1-53 (2) include the use of a standardized assessment tool
1-54 that may be based on similar tools used in other states, including
1-55 the Tailored Caregiver Assessment and Referral process.

1-56 (f) The department shall require area agencies on aging and,
1-57 to the extent considered feasible by the department, other local
1-58 entities to use the protocol and assessment tool under Subsection
1-59 (e) and report the data gathered from the assessment tool to the
1-60 department.

1-61 (g) The department shall analyze the data reported under
1-62 Subsection (f) and collected from the form under Subsection (d),
1-63 and shall submit a report not later than December 1 of each

2-1 even-numbered year to the governor and the Legislative Budget Board
2-2 that summarizes the data analysis.

2-3 (g-1) Notwithstanding Subsection (g), the department shall
2-4 submit the initial report required by that subsection not later
2-5 than December 1, 2012. This subsection expires January 1, 2013.

2-6 (h) The department shall use the data analyzed under
2-7 Subsection (g) to:

2-8 (1) evaluate the needs of assessed informal
2-9 caregivers;

2-10 (2) measure the effectiveness of certain informal
2-11 caregiver support interventions;

2-12 (3) improve existing programs;

2-13 (4) develop new services as necessary to sustain
2-14 informal caregivers; and

2-15 (5) determine the effect of informal caregiving on
2-16 employment and employers.

2-17 SECTION 2. If before implementing any provision of this Act
2-18 a state agency determines that a waiver or authorization from a
2-19 federal agency is necessary for implementation of that provision,
2-20 the agency affected by the provision shall request the waiver or
2-21 authorization and may delay implementing that provision until the
2-22 waiver or authorization is granted.

2-23 SECTION 3. This Act takes effect September 1, 2009.

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