

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the establishment of a home- and community-based
3 services workforce council.

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

5 SECTION 1. Chapter 531, Government Code, is amended by
6 adding Subchapter P-1 to read as follows:

7 SUBCHAPTER P-1. HOME- AND COMMUNITY-BASED SERVICES WORKFORCE
8 COUNCIL

9 Sec. 531.621. DEFINITION. In this subchapter, "council"
10 means the home- and community-based services workforce council.

11 Sec. 531.622. HOME- AND COMMUNITY-BASED SERVICES WORKFORCE
12 COUNCIL; COMPOSITION. (a) The home- and community-based services
13 workforce council is established.

14 (b) The council is composed of 13 members appointed by the
15 executive commissioner as follows:

16 (1) two members who are, at the time of appointment,
17 recipients of home- and community-based services;

18 (2) one family member of a child who is, at the time of
19 appointment, receiving home- and community-based services;

20 (3) three members who, at the time of appointment,
21 provide attendant services to recipients of home- and
22 community-based services;

23 (4) one member who is a representative of the
24 Disability Policy Consortium;

1 (5) one member who is a representative of the American
2 Association of Retired Persons;

3 (6) one member who is a representative of the Texas
4 Association of Area Agencies on Aging;

5 (7) one member who is a representative of the Texas
6 Association of Centers for Independent Living;

7 (8) one member who is a representative of a local
8 mental retardation authority;

9 (9) one member who is a representative of the Texas
10 Association for Home Care, Incorporated; and

11 (10) one member who is a representative of the Private
12 Providers Association of Texas.

13 (c) A member of the council serves at the pleasure of the
14 executive commissioner.

15 (d) The executive commissioner shall select a presiding
16 officer from among the members of the council.

17 Sec. 531.623. COMPENSATION. A council member serves
18 without compensation but is entitled to reimbursement for actual
19 and necessary expenses incurred in performing functions as a
20 council member, subject to any applicable limitation on
21 reimbursement provided by the General Appropriations Act.

22 Sec. 531.624. COUNCIL POWERS AND DUTIES. (a) The
23 council shall:

24 (1) at least quarterly, meet at the call of the
25 presiding officer;

26 (2) identify and study workforce issues relating to
27 the provision of home- and community-based services to the aging

1 and disabled populations of this state, including issues relating
2 to wages and benefits, turnover, recruitment, and retention of
3 personal attendants;

4 (3) review the current and anticipated need in this
5 state for home- and community-based services and the workforce
6 available in this state to meet that need;

7 (4) solicit, review, and make policy and funding
8 recommendations relating to home- and community-based services;

9 (5) request reports and other information relating to
10 the home- and community-based services workforce as necessary from
11 the executive commissioner, the Department of Aging and Disability
12 Services, other health and human services agencies, the Texas
13 Workforce Commission, or the attorney general; and

14 (6) make recommendations to the executive
15 commissioner and the legislature regarding the issues specified in
16 Subdivision (2).

17 (b) The commission shall provide assistance and resources
18 to the council as necessary for the council to perform its duties
19 under this subchapter.

20 Sec. 531.625. REPORTS. (a) Not later than September 1 of
21 each even-numbered year, the council shall submit a report based on
22 its findings to:

23 (1) the executive commissioner;

24 (2) the governor;

25 (3) the lieutenant governor;

26 (4) the speaker of the house of representatives;

27 (5) the senate finance committee;

1 (6) the house appropriations committee;

2 (7) the senate health and human services committee;

3 and

4 (8) the house human services committee.

5 (b) The report must include:

6 (1) an analysis of the current and anticipated funding
7 needs for home- and community-based services in this state and the
8 workforce available to meet that need;

9 (2) identification of significant problems in the
10 home- and community-based services workforce; and

11 (3) policy and funding recommendations.

12 SECTION 2. Not later than the 30th day after the effective
13 date of this Act, the executive commissioner of the Health and Human
14 Services Commission shall appoint the members of the home- and
15 community-based services workforce council as established by
16 Subchapter P-1, Chapter 531, Government Code, as added by this Act.

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