

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB271** by Harris (Relating to the appointment of a successor guardian for certain wards adjudicated as totally incapacitated.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would implement recommendations in the report, "Strengthen the Delivery of Informal Caregiver Support Services," in the Legislative Budget Board's *Government Effectiveness and Efficiency Report* submitted to the Eighty-first Texas Legislature, 2009.

The bill would amend Chapter 161 of the Human Resources Code to require the Department of Aging and Disability Services (DADS) to coordinate with area agencies on aging and, to the extent considered feasible by the department, may coordinate with other local entities regarding public awareness outreach efforts related to informal caregiving. Local entities are defined as area agencies on aging or other entities that provide services and support for older or disabled persons and their caregivers.

DADS is required to include a form in the functional eligibility determination process for Medicaid long-term care programs for older persons that identifies informal caregivers, and may include a form in other long-term care support service systems if considered feasible by the department. DADS is required to develop and implement a protocol, including the use of a standardized assessment tool, to evaluate the needs of certain informal caregivers. DADS is required to analyze data collected from both the caregiver form included in the functional eligibility determination process and the standardized assessment tool and to submit a report on the data to the governor and the Legislative Budget Board by December 1 of each even-numbered year with the initial report to be submitted by December 1, 2012.

Implementing strategies to strengthen the current delivery of informal caregiver support services can help sustain the informal care system and has the potential to avoid future spending on Medicaid institutional long-term care. It is assumed that any cost to implement the provisions of the bill would be minimal and can be absorbed within available resources.

The bill would amend Section 695, Texas Probate Code, to allow the court under certain circumstances to appoint the Department of Aging and Disability Services (DADS) as a successor guardian of a ward who has been adjudicated totally incapacitated. The number of appointments is subject to an annual limit of 55. The bill would also amend Section 161.101, Human Resources Code, to require DADS to agree to serve as the successor guardian.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill in fiscal years 2010 and 2011. The agency indicates potentially higher caseloads in fiscal years 2012 through 2014 if attrition does not occur. It is assumed that these costs could be absorbed by the agency within available resources.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of, 539 Aging and Disability Services,  
Department of

**LBB Staff:** JOB, TP, ML, LR