

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Davis of Harris, Hardcastle, Naishtat,  
Zerwas, Leibowitz, et al.

H.B. No. 802

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the lifespan respite services program.

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

SECTION 1. Chapter 161, Human Resources Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. LIFESPAN RESPITE SERVICES PROGRAM

Sec. 161.151. DEFINITIONS. In this subchapter:

(1) "Chronic serious health condition" means a health condition that:

(A) requires periodic treatment by a health care provider, including a nurse as authorized by Chapter 301, Occupations Code, or a physician assistant as authorized by Chapter 204, Occupations Code; and

(B) continues over an extended period, including recurring episodes of a single underlying health condition such as asthma, diabetes, epilepsy, or multiple sclerosis.

(2) "Respite services" means support services, including in-home services or adult day-care services, that are provided for the purpose of temporarily giving relief to a primary caregiver who provides care to an individual with a chronic serious health condition or disability.

(3) "Respite services coordinator" means a community-based organization or local governmental entity with which the department enters into a contract to facilitate access to

1 respite services under Section 161.154.

2 Sec. 161.152. LIFESPAN RESPITE SERVICES PROGRAM. The  
3 department shall implement the lifespan respite services program to  
4 promote the provision of respite services through contracts with  
5 eligible community-based organizations or local governmental  
6 entities.

7 Sec. 161.153. ELIGIBILITY. (a) A person is eligible to  
8 participate in the program if the person:

9 (1) is the primary caregiver for a person who:

10 (A) is related to the caregiver within the second  
11 degree of consanguinity or affinity;

12 (B) has a chronic serious health condition or  
13 disability;

14 (C) requires assistance with one or more  
15 activities of daily living; and

16 (D) is not eligible for or not able to  
17 participate in any other existing program that provides respite  
18 services; and

19 (2) meets criteria specified in rules adopted by the  
20 executive commissioner.

21 (b) The executive commissioner may not specify criteria  
22 that limit a person's eligibility based on the type of chronic  
23 serious health condition or disability of the person receiving  
24 care.

25 Sec. 161.154. RESPITE SERVICES CONTRACTS. (a) The  
26 department shall contract with at least three eligible  
27 community-based organizations or local governmental entities

1 selected by the department to:

2 (1) provide respite services; and

3 (2) facilitate access to respite services.

4 (b) The department may award a contract under this section  
5 only after issuing a request for proposals for the contract.

6 (c) A community-based organization or local governmental  
7 entity is eligible to contract under this section only if the  
8 organization or entity has experience in and an existing procedure  
9 for:

10 (1) coordinating support services for multiple groups  
11 of persons who need support services, including persons with a  
12 physical or intellectual disability and elderly persons;

13 (2) connecting caregivers with respite services  
14 providers;

15 (3) maintaining and providing information regarding  
16 available respite services; and

17 (4) conducting public awareness activities regarding  
18 available respite services.

19 (d) The department shall include in each contract with a  
20 respite services coordinator provisions requiring the coordinator  
21 to:

22 (1) subject to the availability of money, provide  
23 vouchers for respite services to caregivers participating in the  
24 program who are not eligible for respite services provided through  
25 other programs; and

26 (2) connect caregivers participating in the program  
27 with available respite services.

1       (e) The department shall provide each community-based  
2 organization or local governmental entity with which the department  
3 contracts under this subchapter with:

4               (1) technical assistance; and

5               (2) policy and program development support.

6       (f) The department shall monitor a contractor's performance  
7 under a contract entered into under this subchapter using clearly  
8 defined and measurable performance objectives.

9       Sec. 161.155. RESPITE SERVICES COORDINATOR FUNCTIONS. A  
10 respite services coordinator under contract with the department  
11 shall:

12               (1) maintain information regarding respite services  
13 providers;

14               (2) build partnerships with respite services  
15 providers; and

16               (3) implement public awareness activities regarding  
17 respite services.

18       Sec. 161.156. RULES. The executive commissioner shall adopt  
19 rules necessary to implement this subchapter.

20       SECTION 2. Not later than November 1, 2010, the executive  
21 commissioner of the Health and Human Services Commission, in  
22 consultation with the Department of Aging and Disability Services,  
23 shall submit a report to the governor and the Legislative Budget  
24 Board regarding the lifespan respite services program established  
25 under Subchapter F, Chapter 161, Human Resources Code, as added by  
26 this Act. The report must include an evaluation of the effect of  
27 the program on:

1                   (1) access to respite services by primary caregivers  
2 of persons with chronic serious health conditions or disabilities;  
3 and

4                   (2) Medicaid expenditures for long-term care services  
5 provided in institutional care settings.

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

# ADOPTED

MAY 20 2009

*Atty. Gen. Spaw*  
Secretary of the Senate

By: Davis, John / SP. Zaffirini

H.B. No. 802

Substitute the following for H.B. No. 802 :

By: Zaffirini

C.S. H.B. No. 802

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(B) continues over an extended period, including recurring episodes of a single underlying health condition such as asthma, diabetes, epilepsy, or multiple sclerosis.

(2) "Respite services" means support services, including in-home services or adult day-care services, that are provided for the purpose of temporarily giving relief to a primary caregiver who provides care to an individual with a chronic serious health condition or disability.

(3) "Respite services coordinator" means a community-based organization or local governmental entity with which the department enters into a contract to facilitate access to

1 respite services under Section 161.154.

2 Sec. 161.152. LIFESPAN RESPITE SERVICES PROGRAM. The  
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21 (b) The executive commissioner may not specify criteria  
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3 (2) facilitate access to respite services.

4 (b) The department may award a contract under this section  
5 only after issuing a request for proposals for the contract.

6 (c) A community-based organization or local governmental  
7 entity is eligible to contract under this section only if the  
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18           Sec. 161.156. RULES. The executive commissioner shall adopt  
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21 commissioner of the Health and Human Services Commission, in  
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27 the program on:

1                   (1) access to respite services by primary caregivers  
2 of persons with chronic serious health conditions or disabilities;  
3 and

4                   (2) Medicaid expenditures for long-term care services  
5 provided in institutional care settings.

6           SECTION 3. This Act does not make an appropriation. A  
7 provision in this Act that creates a new governmental program,  
8 creates a new entitlement, or imposes a new duty on a governmental  
9 entity is not mandatory during a fiscal period for which the  
10 legislature has not made a specific appropriation to implement the  
11 provision.

12           SECTION 4. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

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

**May 20, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB802** by Davis, John (Relating to the creation of the lifespan respite services program.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB802, As Passed 2nd House: a negative impact of (\$1,400,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$700,000)
2011	(\$700,000)
2012	(\$700,000)
2013	(\$700,000)
2014	(\$700,000)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2010	(\$700,000)
2011	(\$700,000)
2012	(\$700,000)
2013	(\$700,000)
2014	(\$700,000)

**Fiscal Analysis**

The bill would amend Human Resources Code, Chapter 161, by adding Subchapter F requiring the Department of Aging and Disability Services (DADS) to implement a lifespan respite services program to promote the provision of respite services. Respite services are defined as support services including in-home or adult day-care services provided to give temporary relief to a primary caregiver who provides care to an individual with a chronic serious health condition or disability. DADS would be required to issue a request for proposals and contract with at least three community-based organizations or local governmental entities to provide respite services subject to the availability of funds and to facilitate access to respite services. DADS would be required to provide technical assistance and policy and program development support to community-based organizations or local governmental entities with which DADS contracts.

The Health and Human Services Commission, in consultation with DADS, would be required to submit a report by November 1, 2010, to the governor and the Legislative Budget Board regarding the lifespan respite services program, including an evaluation of the effect of the program on access to respite services and Medicaid long-term care institutional spending.

The bill would take effect September 1, 2009.

### **Methodology**

Promoting the provision of respite services has the potential to avoid future spending on Medicaid institutional long-term care by supporting informal caregivers.

Based on DADS' analysis, it is assumed there would be costs associated with creation of a lifespan respite services program. It is assumed that there would be contracts with four community-based organizations or local governmental entities that would total \$700,000 per year in fiscal years 2010 through 2014. Costs include \$300,000 for program activities related to facilitating access to respite services and \$400,000 for respite services provided to 400 individuals each fiscal year.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

The bill would require DADS to implement a lifespan respite services program and, as part of the program, to contract with community-based organizations or local governmental entities to provide or facilitate access to respite services.

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

**LBB Staff:** JOB, SD, DM, CL, JI

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

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

**May 14, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

**IN RE: HB802** by Davis, John (Relating to the creation of the lifespan respite services program.),  
**Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB802, Committee Report 2nd House, Substituted: a negative impact of (\$1,400,000) through the biennium ending August 31, 2011.

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LEGISLATIVE BUDGET BOARD  
Austin, Texas

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May 11, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: **HB802** by Davis, John (Relating to the creation of the lifespan respite services program.), As Engrossed

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB802, As Engrossed: a negative impact of (\$1,400,000) through the biennium ending August 31, 2011.

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**LBB Staff:** JOB, DM, CL, JI



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

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

**March 30, 2009**

**TO:** Honorable Patrick M. Rose, Chair, House Committee on Human Services

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

**IN RE: HB802** by Davis, John (Relating to the creation of the lifespan respite services program.),  
**Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB 802, As Introduced: a negative impact of (\$1,400,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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