

1-1 By: Guillen, Hopson, Dukes H.B. No. 2610  
1-2 (Senate Sponsor - Deuell)  
1-3 (In the Senate - Received from the House May 9, 2011;  
1-4 May 10, 2011, read first time and referred to Committee on Health  
1-5 and Human Services; May 18, 2011, reported favorably by the  
1-6 following vote: Yeas 9, Nays 0; May 18, 2011, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to facilitating access to certain public assistance  
1-10 benefits programs and health care providers and services through a  
1-11 community-based navigator program and through promotoras and  
1-12 community health workers.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 531, Government Code, is amended by  
1-15 adding Subchapter S to read as follows:

1-16 SUBCHAPTER S. COMMUNITY-BASED NAVIGATOR PROGRAM

1-17 Sec. 531.751. DEFINITIONS. In this subchapter:

1-18 (1) "Community-based organization" and "faith-based  
1-19 organization" have the meanings assigned by Section 535.001.

1-20 (2) "Navigator" means a person who is:

1-21 (A) a volunteer or other representative of a  
1-22 faith- or community-based organization; and

1-23 (B) certified by the commission to provide or  
1-24 facilitate the provision of information or assistance through the  
1-25 faith- or community-based organization to individuals applying or  
1-26 seeking to apply online through the Texas Integrated Eligibility  
1-27 Redesign System (TIERS) or any other electronic eligibility system  
1-28 that is linked to or made a part of that system for public  
1-29 assistance benefits administered by the commission.

1-30 Sec. 531.752. ESTABLISHMENT OF COMMUNITY-BASED NAVIGATOR  
1-31 PROGRAM. If the executive commissioner determines that a statewide  
1-32 community-based navigator program can be established and operated  
1-33 using existing resources and without disrupting other commission  
1-34 functions, the commission shall establish a statewide  
1-35 community-based navigator program through which the commission  
1-36 will train and certify as navigators volunteers and other  
1-37 representatives of faith- and community-based organizations to  
1-38 assist individuals applying or seeking to apply online for public  
1-39 assistance benefits through the Texas Integrated Eligibility  
1-40 Redesign System (TIERS) or any other electronic eligibility system  
1-41 that is linked to or made a part of that system. In establishing the  
1-42 navigator program, the commission shall solicit the expertise and  
1-43 assistance of interested persons, including faith- and  
1-44 community-based organizations, and may establish a work group or  
1-45 other temporary, informal group of interested persons to provide  
1-46 input and assistance.

1-47 Sec. 531.753. PROGRAM STANDARDS. The executive  
1-48 commissioner shall adopt standards to implement this subchapter,  
1-49 including standards:

1-50 (1) subject to Section 531.754, regarding the  
1-51 qualifications and training required for certification as a  
1-52 navigator;

1-53 (2) regarding the suspension, revocation, and, if  
1-54 appropriate, periodic renewal of a navigator certificate;

1-55 (3) to protect the confidentiality of applicant  
1-56 information handled by navigators; and

1-57 (4) regarding any other issues the executive  
1-58 commissioner determines are appropriate.

1-59 Sec. 531.754. TRAINING PROGRAM. The commission shall  
1-60 develop and administer a training program for navigators. The  
1-61 program must include training on:

1-62 (1) how to complete an online application for public  
1-63 assistance benefits through the Texas Integrated Eligibility  
1-64 Redesign System (TIERS);

- 2-1 (2) the importance of maintaining the confidentiality
- 2-2 of information handled by a navigator;
- 2-3 (3) the importance of obtaining and submitting
- 2-4 complete and accurate information when completing an application
- 2-5 for public assistance benefits online through the Texas Integrated
- 2-6 Eligibility Redesign System (TIERS);
- 2-7 (4) the financial assistance program, the
- 2-8 supplemental nutrition assistance program, the medical assistance
- 2-9 program, the child health plan program, and any other public
- 2-10 assistance benefits program for which an individual may complete an
- 2-11 online application through the Texas Integrated Eligibility
- 2-12 Redesign System (TIERS); and
- 2-13 (5) how an individual may apply for other public
- 2-14 assistance benefits for which an individual may not complete an
- 2-15 online application through the Texas Integrated Eligibility
- 2-16 Redesign System (TIERS).

2-17 Sec. 531.755. PUBLICATION OF NAVIGATOR LIST. The

2-18 commission shall maintain and publish on the commission's Internet

2-19 website a list of certified navigators.

2-20 SECTION 2. Chapter 48, Health and Safety Code, is amended to

2-21 read as follows:

2-22 CHAPTER 48. ~~TRAINING AND REGULATION OF~~ PROMOTORAS AND COMMUNITY

2-23 HEALTH WORKERS

2-24 SUBCHAPTER A. GENERAL PROVISIONS

2-25 Sec. 48.001. DEFINITIONS. In this chapter:

2-26 (1) "Advisory committee" means the Promotora and

2-27 Community Health Worker Training and Certification Advisory

2-28 Committee.

2-29 (2) "Commission" means the Health and Human Services

2-30 Commission.

2-31 (3) "Commissioner" means the commissioner of state

2-32 health services.

2-33 (4) "Compensation" includes receiving payment or

2-34 receiving reimbursement for expenses.

2-35 (5) "Department" means the Department of State Health

2-36 Services.

2-37 (6) "Executive commissioner" means the executive

2-38 commissioner of the Health and Human Services Commission.

2-39 (7) ~~(2)~~ "Promotora" or "community health worker"

2-40 means a person who, with or without compensation, provides a

2-41 liaison between health care providers and patients through

2-42 activities that may include activities such as assisting in case

2-43 conferences, providing patient education, making referrals to

2-44 health and social services, conducting needs assessments,

2-45 distributing surveys to identify barriers to health care delivery,

2-46 making home visits, and providing bilingual language services.

2-47 SUBCHAPTER B. TRAINING AND REGULATION OF PROMOTORAS AND COMMUNITY

2-48 HEALTH WORKERS

2-49 Sec. 48.051 ~~[48.002]~~. PROMOTORA AND COMMUNITY HEALTH

2-50 WORKER TRAINING PROGRAM. (a) The department shall establish and

2-51 operate a program designed to train and educate persons who act as

2-52 promotoras or community health workers. In establishing the

2-53 training program, the department, to the extent possible, shall

2-54 consider the ~~report and any findings of and implement any~~

2-55 applicable recommendations of the advisory committee ~~Promotora~~

2-56 ~~Program Development Committee~~.

2-57 (b) Participation in a training and education program

2-58 established under this section is voluntary for a promotora or

2-59 community health worker who provides services without receiving any

2-60 compensation and mandatory for a promotora or community health

2-61 worker who provides services for compensation. The executive

2-62 commissioner ~~board~~ may adopt rules to exempt a promotora or

2-63 community health worker from mandatory training who has served for

2-64 three or more years or who has 1,000 or more hours of experience.

2-65 Sec. 48.052 ~~[48.003]~~. CERTIFICATION PROGRAM FOR

2-66 PROMOTORAS AND COMMUNITY HEALTH WORKERS. (a) The department shall

2-67 establish and operate a certification program for persons who act

2-68 as promotoras or community health workers. In establishing the

2-69 program, the executive commissioner ~~board~~ shall adopt rules that

3-1 provide minimum standards and guidelines, including participation  
3-2 in the training and education program under Section 48.051  
3-3 [~~48.002~~], for issuance of a certificate to a person under this  
3-4 section. In adopting the minimum standards and guidelines, the  
3-5 executive commissioner [~~board~~] shall consider the [~~report and any~~  
3-6 ~~findings of and adopt any~~] applicable recommendations of the  
3-7 advisory committee [Promotora Program Development Committee].

3-8 (b) Receipt of a certificate issued under this section may  
3-9 not be a requirement for a person to act as a promotora or community  
3-10 health worker without receiving any compensation and is a  
3-11 requirement for a person to act as a promotora or community health  
3-12 worker for compensation.

3-13 (c) The commission [Health and Human Services Commission]  
3-14 shall require health and human services agencies to use certified  
3-15 promotoras to the extent possible in health outreach and education  
3-16 programs for recipients of medical assistance under Chapter 32,  
3-17 Human Resources Code.

3-18 Sec. 48.053. RULES. The executive commissioner shall adopt  
3-19 rules for the administration of this subchapter.

3-20 SUBCHAPTER C. MAXIMIZING BENEFITS FROM EMPLOYMENT OF  
3-21 PROMOTORAS AND COMMUNITY HEALTH WORKERS

3-22 Sec. 48.101. PROMOTORA AND COMMUNITY HEALTH WORKER TRAINING  
3-23 AND CERTIFICATION ADVISORY COMMITTEE. (a) The department shall  
3-24 establish a statewide Promotora and Community Health Worker  
3-25 Training and Certification Advisory Committee composed of  
3-26 representatives from relevant entities appointed by the  
3-27 commissioner. The commissioner shall appoint a member of the  
3-28 advisory committee as presiding officer of the advisory committee.

3-29 (b) The advisory committee shall:

3-30 (1) advise the department and the commission on the  
3-31 implementation of standards, guidelines, and requirements under  
3-32 this chapter that relate to the training and regulation of  
3-33 promotoras and community health workers;

3-34 (2) advise the department on matters related to the  
3-35 employment and funding of promotoras and community health workers;  
3-36 and

3-37 (3) provide to the department recommendations for a  
3-38 sustainable program for promotoras and community health workers  
3-39 consistent with the purposes of this subchapter.

3-40 (c) Chapter 2110, Government Code, applies to the advisory  
3-41 committee.

3-42 Sec. 48.102. STUDY. (a) The department, in coordination  
3-43 with the commission, shall:

3-44 (1) study the desirability and feasibility of  
3-45 employing promotoras and community health workers to provide  
3-46 publicly and privately funded health care services in this state;

3-47 (2) explore methods of funding and reimbursing  
3-48 promotoras and community health workers for the provision of health  
3-49 care services and outline the costs to this state of the funding and  
3-50 reimbursement; and

3-51 (3) develop recommendations to:

3-52 (A) maximize the employment of and access to  
3-53 promotoras and community health workers; and

3-54 (B) expand the funding of and reimbursement for  
3-55 services provided by promotoras and community health workers.

3-56 (b) In conducting the study required by Subsection (a), the  
3-57 department shall consult:

3-58 (1) relevant national organizations engaged in the  
3-59 development of community health worker policy;

3-60 (2) the advisory committee; and

3-61 (3) other individuals or organizations the department  
3-62 considers necessary.

3-63 (c) In conducting the study required under Subsection (a),  
3-64 the department shall assess the impact of promotoras and community  
3-65 health workers on increasing the efficiency of, quality of, and  
3-66 access to health care services.

3-67 (d) On or before December 1, 2012, the department shall  
3-68 submit to the legislature a report regarding the findings of the  
3-69 study conducted under this section.

4-1 (e) This section expires December 31, 2012.  
4-2 SECTION 3. The heading to Subtitle B, Title 2, Health and  
4-3 Safety Code, is amended to read as follows:

4-4 SUBTITLE B. [~~TEXAS DEPARTMENT OF~~] HEALTH PROGRAMS

4-5 SECTION 4. If the executive commissioner of the Health and  
4-6 Human Services Commission makes the determination specified by  
4-7 Section 531.752, Government Code, as added by this Act, the  
4-8 commission shall establish the statewide community-based navigator  
4-9 program under Subchapter S, Chapter 531, Government Code, as added  
4-10 by this Act, not later than September 1, 2012.

4-11 SECTION 5. Not later than December 31, 2011, the Department  
4-12 of State Health Services shall:

4-13 (1) establish the Promotora and Community Health  
4-14 Worker Training and Certification Advisory Committee as required by  
4-15 Section 48.101, Health and Safety Code, as added by this Act; and

4-16 (2) adopt the rules required by Section 48.053, Health  
4-17 and Safety Code, as added by this Act.

4-18 SECTION 6. If before implementing any provision of this Act  
4-19 a state agency determines that a waiver or authorization from a  
4-20 federal agency is necessary for implementation of that provision,  
4-21 the agency affected by the provision shall request the waiver or  
4-22 authorization and may delay implementing that provision until the  
4-23 waiver or authorization is granted.

4-24 SECTION 7. This Act takes effect September 1, 2011.

4-25 \* \* \* \* \*