

By: Rose

H.B. No. 3092

A BILL TO BE ENTITLED

AN ACT

relating to developing and maintaining risk assessment criteria for use by department personnel in determining whether an elderly or disabled person is in imminent risk of abuse.

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

SECTION 1. Sections 48.004, Human Resources Code, is amended to read as follows:

Sec. 48.004. RISK ASSESSMENT. (a) The executive commissioner by rule shall develop and maintain risk assessment criteria for use by department personnel in determining whether an elderly or disabled person is in imminent risk of abuse, neglect, or exploitation or in a state of abuse, neglect, or exploitation and needs protective services. The criteria must:

(1) provide for a comprehensive assessment of the person's:

(A) environmental, physical, medical, mental health, and financial condition;

(B) social interaction and support; and

(C) need for legal intervention; and

(2) specify the circumstances under which a caseworker must consult with a supervisor regarding a case.

(b) Notwithstanding section 48.002(a)(5), the department shall, out of funds appropriated, implement a pilot program to evaluate the feasibility and any associated benefits of providing

1 protective services when an elderly or disabled person has been
2 determined to be at risk of future harm from abuse, neglect, or
3 exploitation using the risk assessment criteria described in
4 subsection (a). The provision of protective services in an area in
5 which the pilot has been implemented does not require that an
6 elderly or disabled person be in a state of abuse, neglect, or
7 exploitation.

8 Section 2. The department shall implement the pilot program
9 described in section 48.004(b), Human Resources Code, not later
10 than January 1, 2016 and may be conducted through August 31, 2017.
11 DFPS shall submit a report of preliminary findings from the program
12 to the Governor, Lieutenant Governor, and appropriate legislative
13 committees having oversight over the Adult Protective Services
14 division not later than December 15, 2016 and on any additional
15 findings not later than December 15, 2017.

16 Section 3. Subsection (b), section 48.004, Human Resources
17 Code, expires August 31, 2017.

18 Section 4. This Act takes effect September 1, 2015.