

By: Landgraf

H.B. No. 3236

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the home-delivered meal pilot program.

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

SECTION 1. Subtitle C, Title 2, Health and Safety Code, is amended by adding Chapter 65 to read as follows:

CHAPTER 65. HOME-DELIVERED MEAL PILOT PROGRAM

Sec. 65.0001. DEFINITIONS. In this chapter:

(1) "Client" means an individual who is elderly or has a disability and who receives a meal under the program.

(2) "Program" means the home-delivered meal pilot program established under this chapter.

(3) "Provider" means a meal provider who contracts with the commission to provide and deliver home-delivered meals under the program.

Sec. 65.0002. ESTABLISHMENT. (a) The commission shall establish and operate in one or more underserved geographic areas of this state the home-delivered meal pilot program to provide meal deliveries to individuals who are elderly or have a disability.

(b) The commission may contract with a meal provider to provide home-delivered meals under the program.

Sec. 65.0003. MEAL REQUIREMENTS. (a) A provider may use a hot, frozen, chilled, or shelf-stable meal for the program.

(b) The provider shall ensure a meal allows a client to

1 sanitarily and safely handle, store, thaw, and prepare the meal.

2 Sec. 65.0004. PACKAGING REQUIREMENTS. (a) A provider
3 shall use supplies and meal transport carriers that allow hot,
4 frozen, chilled, and shelf-stable meals to be packaged and stored
5 separately.

6 (b) For hot, frozen, chilled, or shelf-stable meals that are
7 easily damaged, a provider must use an enclosed meal transport
8 carrier and trays or other containers necessary to protect the
9 meals from contamination, crushing, or spillage during transport.

10 (c) A provider shall equip a meal transport carrier with
11 insulation or supplemental hot or cold sources as necessary to
12 maintain safe temperatures for meals during transport.

13 (d) A provider shall use meal packaging that:

14 (1) is sealed to prevent moisture loss or spillage;

15 (2) allows the meal to be maintained at a safe
16 temperature during transport;

17 (3) includes compartments for separating food items in
18 the meal to increase visual appeal and minimize spillage; and

19 (4) allows easy access by clients.

20 (e) A provider shall maintain the food temperature of meals
21 prepared and packaged for delivery:

22 (1) below 41 degrees Fahrenheit for cold food items;

23 (2) above 140 degrees Fahrenheit for hot food items;

24 (3) at or below 20 degrees Fahrenheit for frozen food
25 items; and

26 (4) in accordance with packaging guidelines for
27 shelf-stable food items.

1 Sec. 65.0005. DELIVERY REQUIREMENTS. (a) A provider shall
2 prepare and package meals in a manner that allows delivery at a
3 reasonable time during the day.

4 (b) A provider shall provide and deliver meals to each
5 client in accordance with the commission contract. The provider
6 shall, on a form prescribed by the commission, note whether each
7 meal is delivered or undelivered.

8 (c) If a client is not present to accept delivery of a meal,
9 a provider may not leave the meal unless the provider ensures that
10 on the client's acceptance, the meal is within the proper
11 temperature requirements described by Section 65.0004(e).

12 (d) A provider shall comply with commission policy for
13 undelivered meals. For each undelivered meal, the provider must
14 state, on a form prescribed by the commission, the reason the meal
15 was not delivered.

16 (e) If a provider violates this section, the commission may
17 consider the provider in breach of the commission contract.

18 Sec. 65.0006. CASE MANAGER NOTIFICATION. (a) If a client
19 who receives meals from a provider under the program has a case
20 manager, and a reasonable time has passed in which the provider has
21 not had contact with the client or the client's responsible party,
22 the provider shall notify the case manager orally or by e-mail or
23 fax of the provider's concerns regarding the lack of contact.

24 (b) A provider who orally provides the notification
25 required under Subsection (a) shall also provide written notice to
26 the case manager not later than the fifth business day after the
27 date the provider provides the oral notification.

1 Sec. 65.0007. REPORT. The commission shall submit a
2 written report to the legislature on the results of the program not
3 later than December 1, 2020.

4 Sec. 65.0008. EXPIRATION. The program and this chapter
5 expire September 1, 2021.

6 SECTION 2. The Health and Human Services Commission shall
7 establish the home-delivered meal pilot program under Chapter 65,
8 Health and Safety Code, as added by this Act, not later than March
9 1, 2020.

10 SECTION 3. This Act takes effect September 1, 2019.