

By: Landgraf

H.B. No. 1134

A BILL TO BE ENTITLED

AN ACT

relating to the home-delivered meal program.

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

SECTION 1. Section 12.042, Agriculture Code, is amended by adding Subsection (m) to read as follows:

(m) Notwithstanding Subsections (c) and (d) or any other provision of this chapter, the department shall allow a governmental agency, nonprofit private organization, or for-profit private organization to apply to the department for a grant under this section if the agency or organization contracts with an area agency on aging to deliver meals.

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

CHAPTER 65. HOME-DELIVERED MEAL PROGRAM

Sec. 65.0001. DEFINITIONS. In this chapter:

(1) "Area agency on aging" means:

(A) an area agency on aging designated under 42 U.S.C. Section 3025(a)(2)(A); or

(B) a state agency performing the functions of an area agency on aging under 42 U.S.C. Section 3025(b)(5).

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

(3) "Program" means the home-delivered meal program under this chapter.

1 (4) "Provider" means a meal provider who contracts
2 with the commission or an area agency on aging to provide and
3 deliver home-delivered meals under the program.

4 Sec. 65.0002. APPLICABILITY. This chapter does not apply
5 to home-delivered meals provided through the Medicaid managed care
6 program under Chapter 533, Government Code.

7 Sec. 65.0003. PROGRAM MODERNIZATION. (a) The commission
8 shall maintain and revise as necessary operating guidelines for a
9 home-delivered meal program to effectively and efficiently provide
10 meal deliveries to individuals who are elderly or have a
11 disability.

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

14 (c) In awarding a contract to a provider, the commission or
15 area agency on aging shall:

16 (1) prioritize providers who:

17 (A) conduct a face-to-face client visit;

18 (B) deliver hot meals for the program; and

19 (C) comply with reporting requirements for the
20 nutrition services incentive program established under 42 U.S.C.
21 Section 3030a;

22 (2) give extra consideration to providers capable of
23 delivering meals to clients in both rural and urban areas;

24 (3) give extra consideration to providers with the
25 capacity to deliver meals to eligible individuals who are currently
26 on an interest or other waiting list for services under the program;

27 (4) consider the individual dietary needs of clients

1 through condition-specific menus; and

2 (5) negotiate enhanced meal rates to ensure program
3 efficacy.

4 Sec. 65.0004. MEAL REQUIREMENTS. A provider may use
5 frozen, chilled, or shelf-stable meals if:

6 (1) the provider and the client are capable of
7 providing sanitary and safe conditions for storage, thawing, and
8 preparation of the meal; and

9 (2) the client, or another available person for the
10 client, is capable of safely handling the meal.

11 Sec. 65.0005. PACKAGING REQUIREMENTS. (a) A provider
12 shall use supplies and meal transport carriers that allow hot,
13 frozen, chilled, and shelf-stable meals to be packaged and stored
14 separately.

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

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

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

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

24 (2) allows preservation of the meal at a safe
25 temperature during transport;

26 (3) includes compartments for separating food items to
27 increase visual appeal and minimize spillage; and

1 (4) allows easy access by clients.

2 (e) A provider shall maintain the food temperature of meals
3 prepared and packaged for delivery in accordance with commission
4 rules and area agency on aging requirements for home-delivered
5 meals.

6 Sec. 65.0006. DELIVERY REQUIREMENTS. (a) A provider shall
7 deliver meals:

8 (1) at a commercially reasonable time; and

9 (2) on a date on which the provider and client mutually
10 agree.

11 (b) A provider in accordance with the commission or area
12 agency on aging contract shall provide and deliver meals to each
13 client daily, weekly, or every other week, dependent on the
14 acceptable shelf life of the meal. The provider shall document
15 whether each meal is delivered or undelivered. A client's
16 statement that the client failed to receive a meal delivery
17 constitutes documentation that the meal was not delivered.

18 (c) If a client is not present to accept delivery of a meal,
19 a provider may leave the meal only if the provider ensures the meal
20 is maintained at a safe temperature.

21 (d) For each undelivered meal, a provider shall document the
22 meal as undelivered and the reason the provider was unable to
23 deliver the meal. A provider shall maintain documentation of
24 undelivered meals in accordance with the contract.

25 (e) If a provider violates this section, the commission or
26 area agency on aging may consider the provider in breach of the
27 contract.

1 Sec. 65.0007. CASE MANAGER NOTIFICATION. A provider who
2 has not had contact with the client or the client's responsible
3 party within the time agreed by contract shall notify in writing the
4 client's case manager, if applicable, of the provider's concerns
5 regarding the lack of contact.

6 SECTION 3. (a) In this section:

7 (1) "Area agency on aging," "client," and "program"
8 have the meanings assigned by Section 65.0001, Health and Safety
9 Code, as added by this Act.

10 (2) "Commission" means the Health and Human Services
11 Commission.

12 (b) The commission shall conduct a study examining the
13 interest or other waiting lists of individuals seeking
14 home-delivered meals maintained by the commission and each area
15 agency on aging in the program.

16 (c) In conducting the study under this section, the
17 commission shall identify additional strategies the commission
18 could employ to provide home-delivered meal services to additional
19 clients and eliminate the interest or other waiting lists,
20 including strategies employed by other states and strategies
21 through which the program could receive additional funding.

22 (d) Not later than December 1, 2022, the commission shall
23 submit to the legislature a written report containing the findings
24 of the study conducted under this section and the commission's
25 legislative recommendations.

26 SECTION 4. The executive commissioner of the Health and
27 Human Services Commission shall adopt rules necessary to implement

1 Chapter 65, Health and Safety Code, as added by this Act, and
2 modernize the home-delivered meal program under that chapter.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2021.