

By: Plesa

H.B. No. 4436

A BILL TO BE ENTITLED

AN ACT

relating to an advisory council on the needs of LGBTQ older adults.

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

SECTION 1. (a) In this section:

(1) "Advisory council" means the advisory council on LGBTQ older adults established under this section.

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

(3) "LGBTQ" includes individuals who are lesbian, gay, bisexual, transgender, intersex, gender nonconforming, two-spirit, non-binary, same-gender-loving, queer, or any other diverse sexual orientation or gender identity.

(4) "Older adult" means individuals who are 55 years of age or older.

(b) The advisory council on LGBTQ older adults is established within the Health and Human Services Commission. The commission shall provide administrative support to the advisory council as necessary for the advisory council to perform its duties under this section.

(c) The advisory council is composed of:

(1) 24 members appointed by the governor to include:

(A) one representative from a statewide organization that advocates for older adults;

(B) one representative from a national

1 organization that advocates for LGBTQ older adults;

2 (C) one representative from a community-based,
3 multisite health care organization founded to serve LGBTQ people;

4 (D) the director of senior services from a
5 community center serving LGBTQ people, or the director's designee;

6 (E) one representative from an HIV or AIDS
7 service organization;

8 (F) one representative from a community
9 organization that is focused on action leading to improved outcomes
10 and opportunities for LGBTQ communities;

11 (G) one representative from a labor organization
12 that provides care and services for older adults in long-term care
13 facilities;

14 (H) one representative from a statewide
15 association representing long-term care facilities;

16 (I) five representatives from organizations that
17 serve black, Asian American, Pacific Islander, Native American, or
18 Hispanic LGBTQ people;

19 (J) one representative from a statewide
20 organization for people with disabilities; and

21 (K) 10 LGBTQ older adults, including at least:

22 (i) three individuals who are transgender
23 or gender-expansive;

24 (ii) two individuals who are older adults
25 living with HIV;

26 (iii) one individual who is two-spirit;

27 (iv) one individual who is African American

1 or black;

2 (v) one individual who is Hispanic;

3 (vi) one individual who is Asian American
4 or Pacific Islander; and

5 (vii) one individual who is ethnically
6 diverse; and

7 (2) four ex officio members to represent each of the
8 following state agencies:

9 (A) one member designated by the executive
10 commissioner of the Health and Human Services Commission;

11 (B) one member designated by the commissioner of
12 state health services;

13 (C) one member designated by the commissioner of
14 the Department of Family and Protective Services; and

15 (D) one member designated by the commission
16 chair of the Texas Veterans Commission.

17 (d) In appointing members and ex officio members to the
18 advisory council under Subsection (c) of this section, the governor
19 and state agency officials shall ensure, to the maximum extent
20 practicable, that the advisory council is diverse with respect to
21 race, ethnicity, age, sexual orientation, gender identity, gender
22 expression, and geography.

23 (e) If a vacancy occurs on the advisory council, the vacancy
24 shall be filled by the appointing authority as described by
25 Subsection (c) of this section. A vacating member shall continue to
26 serve until a successor is appointed.

27 (f) Members of the advisory council are not entitled to

1 compensation but are entitled to reimbursement of actual and
2 necessary expenses incurred in the performance of their duties
3 under Section [2110.004](#), Government Code.

4 (g) The advisory council shall:

5 (1) investigate, analyze, and study the health,
6 housing, financial, psychosocial, home and community-based
7 services, assisted living, and long-term care needs of LGBTQ older
8 adults and their caregivers; and

9 (2) make recommendations to the legislature to improve
10 access to benefits, services, and supports for LGBTQ older adults
11 and their caregivers.

12 (h) In carrying out its duties under Subsection (g) of this
13 section, the advisory council shall:

14 (1) examine the impact of state and local laws,
15 policies, and rules on LGBTQ older adults;

16 (2) examine best practices for increasing access to
17 services, reducing isolation, preventing abuse and exploitation,
18 promoting independence and self-determination, strengthening
19 caregiving, eliminating disparities in services, and improving
20 overall quality of life for LGBTQ older adults;

21 (3) examine the impact of race, ethnicity, sex
22 assignment at birth, socioeconomic status, disability, sexual
23 orientation, gender identity, and other characteristics on access
24 to services for LGBTQ older adults;

25 (4) examine the experiences and needs of LGBTQ older
26 adults living with HIV or AIDS;

27 (5) examine strategies to increase the awareness of

1 health care providers on the needs of LGBTQ older adults and their
2 caregivers and to improve the competence of and access to
3 treatment, services, and ongoing care, including preventive care;

4 (6) examine the feasibility of developing statewide
5 training curricula to improve provider competency in the delivery
6 of culturally responsive health, housing, and long-term support
7 services to LGBTQ older adults and their caregivers;

8 (7) assess the funding and programming needed to
9 provide services to the growing population of LGBTQ older adults;

10 (8) examine whether certain policies and practices, or
11 the absence of certain policies and practices, promote the
12 premature admission of LGBTQ older adults to institutional care,
13 and whether providing lower cost and culturally responsive home and
14 community-based alternatives to institutional care provides cost
15 savings to LGBTQ older adults;

16 (9) examine outreach protocols to reduce apprehension
17 among LGBTQ older adults and caregivers in utilizing mainstream
18 long-term care providers; and

19 (10) examine statewide strategies for the collection
20 of sexual orientation and gender identity data and the impact of
21 these strategies on the provision of services to LGBTQ older
22 adults, and conduct a statewide survey designed to approximate the
23 number of LGBTQ older adults in the state and collect demographic
24 information, if resources allow.

25 (i) The advisory council shall provide for its organization
26 and procedure, including selection of the presiding officer. A
27 majority of the advisory council constitutes a quorum for the

1 transaction of business.

2 (j) The advisory council shall meet at least one time per
3 quarter. The meetings may be conducted in person or by
4 videoconference, as determined by the presiding officer of the
5 advisory council.

6 (k) The advisory council shall submit reports to the
7 legislature regarding recommendations for legislative or other
8 action not later than September 1 of each even-numbered year. In
9 making recommendations to the legislature, the reports must:

10 (1) consider the best policies and practices in other
11 states and jurisdictions; and

12 (2) ensure equitable access, treatment, care and
13 benefits, and overall quality of life for LGBTQ older adults.

14 (l) The commission shall post the reports required under
15 Subsection (k) of this section on the commission's public Internet
16 website.

17 (m) The commission and advisory council may collaborate
18 with an institution of higher education in this state to compile the
19 reports required under Subsection (k) of this section.

20 (n) The advisory council is abolished and this section
21 expires December 1, 2026.

22 SECTION 2. Not later than November 1, 2023, the governor and
23 state agency officials shall make the appointments required by this
24 Act.

25 SECTION 3. This Act takes effect September 1, 2023.