

1-1 By: Blanco S.B. No. 2261  
 1-2 (In the Senate - Filed March 10, 2023; March 22, 2023, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 11, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 11, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2261 By: Blanco

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the training program required for certain employees of  
 1-22 the Department of Family and Protective Services.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 40.035, Human Resources Code, is amended  
 1-25 by amending Subsections (a) and (b) and adding Subsection (a-1) to  
 1-26 read as follows:

1-27 (a) The department shall develop and implement a training  
 1-28 program that, except as provided by Subsection (a-1), each newly  
 1-29 hired or assigned department employee must successfully complete  
 1-30 before:

1-31 (1) initiating an investigation of a report of alleged  
 1-32 abuse, neglect, or exploitation of an elderly person or person with  
 1-33 a disability under Chapter 48; or

1-34 (2) providing protective services to elderly persons  
 1-35 or persons with disabilities under that chapter.

1-36 (a-1) A newly hired or assigned department employee may  
 1-37 initiate an investigation of a report of alleged abuse, neglect, or  
 1-38 exploitation of an elderly person or a person with a disability  
 1-39 under Chapter 48 or provide protective services to an elderly  
 1-40 person or a person with a disability under that chapter only if the  
 1-41 employee:

1-42 (1) is in the process of receiving the training  
 1-43 required by Subsection (a); and

1-44 (2) initiates the investigation or provides  
 1-45 protective services under the direct supervision of the person who  
 1-46 is providing the training to the employee.

1-47 (b) The training program must:

1-48 (1) provide the employee [~~person~~] with appropriate  
 1-49 comprehensive information regarding:

1-50 (A) the incidence and types of reports of abuse,  
 1-51 neglect, and exploitation of elderly persons or persons with  
 1-52 disabilities that are received by the department, including  
 1-53 information concerning false reports; and

1-54 (B) the use and proper implementation of:

1-55 (i) the risk assessment criteria developed  
 1-56 under Section 48.004;

1-57 (ii) the criteria used by caseworkers to  
 1-58 determine whether elderly persons or persons with disabilities lack  
 1-59 capacity to consent to receive protective services; and

1-60 (iii) the legal procedures available under

2-1 Chapter 48 for the protection of elderly persons or persons with  
2-2 disabilities, including the procedures for obtaining a court order  
2-3 for emergency protective services under Section 48.208;  
2-4 (2) include best practices for management of a case  
2-5 from the intake process to the provision of protective services,  
2-6 including criteria that specify the circumstances under which an  
2-7 employee should:  
2-8 (A) consult a supervisor regarding a case; or  
2-9 (B) refer an elderly person or person with a  
2-10 disability to an appropriate public agency or community service  
2-11 provider for guardianship or other long-term services after the  
2-12 delivery of protective services to that person has been completed;  
2-13 (3) provide appropriate specialized training in any  
2-14 necessary topics, including:  
2-15 (A) investigation of suspected identity theft  
2-16 and other forms of financial exploitation and suspected  
2-17 self-neglect; and  
2-18 (B) establishment and maintenance of working  
2-19 relationships with community organizations and other local  
2-20 providers who provide services to elderly persons and persons with  
2-21 disabilities;  
2-22 (4) include on-the-job training, which must require  
2-23 another department caseworker with more experience to accompany and  
2-24 train the caseworker in the field;  
2-25 (5) provide for the development of individualized  
2-26 training plans;  
2-27 (6) include training in working with law enforcement  
2-28 agencies and the court system when legal intervention is sought for  
2-29 investigations or emergency orders;  
2-30 (7) to the maximum extent possible, include nationally  
2-31 recognized best practices in addition to the best practices  
2-32 required under Subdivision (2); and  
2-33 (8) include testing, progress reports, or other  
2-34 evaluations to assess the performance of trainees.  
2-35 SECTION 2. Section 40.035, Human Resources Code, as amended  
2-36 by this Act, applies to an employee who is enrolled in the training  
2-37 program on or after the effective date of this Act.  
2-38 SECTION 3. This Act takes effect September 1, 2023.

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