

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 802
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Health & Human Services
5/14/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This legislation would require the Department of Aging and Disability Services (DADS) to implement a lifespan respite care program. Respite services temporarily relieve the caregiving burdens of informal caregivers, i.e. friends and family who provide unpaid care for persons who are elderly, disabled, and unable to care for themselves.

This program would be based on models implemented in other states to improve access to respite care for persons with long-term care needs by building state and local infrastructure to support the provision of respite services.

C.S.H.B. 802 relates to the creation of the lifespan respite services program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 161.156, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 161, Human Resources Code, by adding Subchapter F, as follows:

SUBCHAPTER F. LIFESPAN RESPITE SERVICES PROGRAM

Sec. 161.151. DEFINITIONS. Defines "chronic serious health condition," "respite services," and "respite services coordinator."

Sec. 161.152. LIFESPAN RESPITE SERVICES PROGRAM. Requires the Department of Aging and Disability Services (DADS) to implement the lifespan respite services program to promote the provision of respite services through contracts with eligible community-based organizations or local governmental entities.

Sec. 161.153. ELIGIBILITY. (a) Provides that a person is eligible to participate in the program if the person:

(1) is the primary caregiver for a person who is related to the caregiver within the second degree of consanguinity or affinity; has a chronic serious health condition or disability; requires assistance with one or more activities of daily living; and is not eligible for or not able to participate in any other existing program that provides respite services; and

(2) meets criteria specified in rules adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner).

(b) Prohibits the executive commissioner from specifying criteria that limit a person's eligibility based on the type of chronic serious health condition or disability of the person receiving care.

Sec. 161.154. RESPITE SERVICES CONTRACTS. (a) Requires DADS to contract with at least three eligible community-based organizations or local governmental entities selected by DADS to provide respite services, and facilitate access to respite services.

(b) Authorizes DADS to award a contract under this section only after issuing a request for proposals for the contract.

(c) Provides that a community-based organization or local governmental entity is eligible to contract under this section only if the organization or entity has experience in and an existing procedure for coordinating support services for multiple groups of persons who need support services, including persons with a physical or intellectual disability and elderly persons; connecting caregivers with respite services providers; maintaining and providing information regarding available respite services; and conducting public awareness activities regarding available respite services.

(d) Requires DADS to include in each contract with a respite services coordinator provisions requiring the coordinator to subject to the availability of money, provide vouchers for respite services to caregivers participating in the program who are not eligible for respite services provided through other programs, and connect caregivers participating in the program with available respite services.

(e) Requires DADS to provide each community-based organization or local governmental entity with which DADS contracts under this subchapter with technical assistance; and policy and program development support.

(f) Requires DADS to monitor a contractor's performance under a contract entered into under this subchapter using clearly defined and measurable performance objectives.

Sec. 161.155. RESPITE SERVICES COORDINATOR FUNCTIONS. Requires a respite services coordinator under contract with DADS to maintain information regarding respite services providers, build partnerships with respite services providers, and implement public awareness activities regarding respite services.

Sec. 161.156. RULES. Requires the executive commissioner to adopt rules necessary to implement this subchapter.

SECTION 2. Requires the executive commissioner, in consultation with DADS, not later than November 1, 2010, to submit a report to the governor and the Legislative Budget Board regarding the lifespan respite services program established under Subchapter F, Chapter 161, Human Resources Code, as added by this Act. Requires that the report include an evaluation of the effect of the program on access to respite services by primary caregivers of persons with chronic serious health conditions or disabilities, and Medicaid expenditures for long-term care services provided in institutional care settings.

SECTION 3. Provides that this Act does not make an appropriation. Provides that a provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 4. Effective date: September 1, 2009.