

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 3428  
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Health & Human Services  
5/13/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Adult protective services has a unique role in the lives of vulnerable older adults. Adult protective services workers investigate abuse, neglect, and financial exploitation, all of which are more potentially devastating to older adults with Alzheimer's disease and dementia. Adult protective staff deal with people with dementia on an almost daily basis. It is critical that staff in these agencies have access to excellent, state-of-the-art dementia training.

H.B. 3428 would require adult protective services officials to complete training on identifying and interacting with people with Alzheimer's or other dementias as part of basic training or continuing education. The bill would also require the Department of Family and Protective Services to develop a process for reporting neglect, criminal abuse, sexual abuse, physical abuse, and financial exploitation to law enforcement agencies.

Additionally, H.B. 3428 requires each area agency on aging to develop evidence-based or evidence-informed core training programs for staff relating to Alzheimer's disease and dementia, and any additional training based on local needs.

"Evidence-informed" refers to person-centered care and refers to the approach of using the unique preferences and circumstances of persons with dementia together with the best scientific evidence to inform decisions of care. It is less restrictive than "evidence-based."

H.B. 3428 amends current law relating to training on Alzheimer's disease and dementia for certain Department of Family and Protective Services employees and area agencies on aging employees and volunteers.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 40, Human Resources Code, by adding Section 40.036, as follows:

Sec. 40.036. ALZHEIMER'S DISEASE AND DEMENTIA TRAINING. (a) Defines "adult protective services employee" and defines "division" to mean the adult protective services division of the Department of Family and Protective Services (DFPS).

(b) Requires DFPS, except as provided by Subsections (c) and (d), to develop a training program for adult protective services employees on identifying and interacting with individuals who have Alzheimer's disease or dementia. Requires the program to include an initial four-hour training requirement and an annual two-hour continuing education requirement. Provides that the requirements are in addition to the training required by Section 40.035 (Training Program For Adult Protective Services; Continuing Education), but are authorized to be provided in conjunction with that training. Requires the training program to cover, at a minimum, information about:

- (1) dementia, including behavioral and psychiatric symptoms;
- (2) interaction with an individual who has impaired communication skills, including effective and respectful communication techniques;
- (3) techniques for understanding and approaching an individual's behavioral symptoms;
- (4) specific aspects of safety, including wandering by an individual;
- (5) abuse, neglect, and exploitation, as defined by Section 48.002 (Definitions), of an individual with Alzheimer's disease or dementia, including:
  - (A) identifying the most common types of abuse;
  - (B) recognizing signs of abuse, neglect, and exploitation; and
  - (C) identifying when it is necessary to contact a law enforcement agency about potential criminal behavior toward an individual with Alzheimer's disease or dementia that is committed by a family member or caretaker of the individual or that occurs in an institution;
- (6) identification of self-neglect by an individual with Alzheimer's disease or dementia; and
- (7) protocols for connecting an individual with Alzheimer's disease or dementia to local care resources or professionals who are skilled in dementia care to encourage cross-referring the individual for services and increase reporting of incidents of abuse, neglect, or exploitation.

(c) Authorizes the division to use a training program developed or adopted by the Health and Human Services Commission (HHSC) or the Department of State Health Services (DSHS) if the program is equivalent to or more extensive than the program requirements under Subsection (b).

(d) Requires the division, if another state law or a federal law or regulation requires training on Alzheimer's disease or dementia that is more rigorous or extensive than the training required by Subsection (b), to provide training to adult protective services employees that complies with that law or regulation.

(e) Requires an area agency on aging to ensure that the agency's employees or volunteers who provide services directly to an elderly individual or the individual's family members or caregivers receive training on Alzheimer's disease and dementia. Requires the training to:

(1) be evidence-based or evidence-informed; and

(2) focus on:

(A) recognizing the signs and symptoms of cognitive impairments caused by Alzheimer's disease or dementia; and

(B) understanding how the cognitive impairments may affect the screening of and service planning for an elderly individual.

(f) Authorizes an area agency on aging to provide the training described by Subsection (b) through:

(1) a course developed by the agency; or

(2) a course that is available from DFPS, HHSC, DSHS, or an entity that is involved in education or services relating to Alzheimer's disease or dementia, including the Alzheimer's Association and caregiver organizations.

SECTION 2. Requires DFPS, as soon as practicable after the effective date of this Act, to:

(1) develop or approve the Alzheimer's disease and dementia training program required by Section 40.036, Human Resources Code, as added by this Act; and

(2) begin providing the initial training required by that section to all existing and newly hired adult protective services employees, as defined by that section.

SECTION 3. Effective date: September 1, 2019.