

AN ACT

relating to the creation by the Health and Human Services Commission of a volunteer advocate program for certain elderly individuals.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.057 and 531.0571 to read as follows:

Sec. 531.057. VOLUNTEER ADVOCATE PROGRAM FOR THE ELDERLY.

(a) In this section:

(1) "Designated caregiver" means:

(A) a person designated as a caregiver by an elderly individual receiving services from or under the direction of the commission or a health and human services agency; or

(B) a court-appointed guardian of an elderly individual receiving services from or under the direction of the commission or a health and human services agency.

(2) "Elderly" means individuals who are at least 60 years of age.

(3) "Program" means the volunteer advocate program for

the elderly created under this section.

(4) "Volunteer advocate" means a person who successfully completes the volunteer advocate curriculum described by Subsection (c) (2).

(b) The executive commissioner shall coordinate with the advisory committee established under Section 531.0571 to develop a volunteer advocate program for the elderly receiving services from or under the direction of the commission or a health and human services agency.

(c) In developing the program, the executive commissioner and the advisory committee shall adhere to the following principles:

(1) the intent of the program is to evaluate, through operation of pilot projects, whether providing the services of a trained volunteer advocate selected by an elderly individual or the individual's designated caregiver is effective in achieving the following goals:

(A) extend the time the elderly individual can remain in an appropriate home setting;

(B) maximize the efficiency of services delivered to the elderly individual by focusing on services needed to sustain family caregiving;

(C) protect the elderly individual by providing a knowledgeable third party to review the quality of care and

services delivered to the individual and the care options available to the individual and the individual's family; and

(D) facilitate communication between the elderly individual or the individual's designated caregiver and providers of health care and other services;

(2) a volunteer advocate curriculum must be established that incorporates best practices as determined and recognized by a professional organization recognized in the elder health care field;

(3) the use of pro bono assistance from qualified professionals must be maximized in developing the volunteer advocate curriculum and designing the program;

(4) trainers must be certified on the ability to deliver training;

(5) training shall be offered through multiple community-based organizations; and

(6) participation in the program is voluntary and must be initiated by the elderly individual or the individual's designated caregiver.

(d) The executive commissioner may enter into agreements with appropriate nonprofit organizations for the provision of services under the program. A nonprofit organization is eligible to provide services under the program if the organization:

(1) has significant experience in providing services to elderly individuals;

(2) has the capacity to provide training and supervision for individuals interested in serving as volunteer advocates; and

(3) meets any other criteria prescribed by the executive commissioner.

(e) The commission shall fund the program, including the design and evaluation of pilot projects, development of the volunteer advocate curriculum, and training of volunteers, through existing appropriations to the commission.

(f) Notwithstanding Subsection (e), the commission may accept gifts, grants, or donations for the program from any public or private source to:

(1) carry out the design of the program;

(2) develop criteria for evaluation of any proposed pilot projects operated under the program;

(3) develop a volunteer advocate training curriculum;

(4) conduct training for volunteer advocates; and

(5) develop a request for offers to conduct any proposed pilot projects under the program.

(g) The executive commissioner may adopt rules as necessary to implement the program.

Sec. 531.0571. VOLUNTEER ADVOCATE PROGRAM ADVISORY COMMITTEE.

(a) The executive commissioner shall appoint an advisory committee composed of the following members:

(1) a representative of the Department of Aging and Disability Services;

(2) a representative of the Department of Assistive and Rehabilitative Services;

(3) a representative of the Department of State Health Services;

(4) a representative of the Texas Silver-Haired Legislature;

(5) a representative of an area agency on aging;

(6) a representative of United Ways of Texas;

(7) a home health provider;

(8) an assisted living provider;

(9) a nursing home provider;

(10) a representative of Texas CASA;

(11) a licensed gerontologist; and

(12) a representative of AARP.

(b) The advisory committee shall advise the executive commissioner on the development of the volunteer advocate program for the elderly developed under Section 531.057, including reviewing and commenting on:

(1) program design and selection of any pilot sites

operated under the program;

(2) the volunteer advocate training curriculum;

(3) requests for oversight requirements for any pilot projects operated under the program;

(4) evaluation of any pilot projects operated under the program;

(5) requirements for periodic reports to the elderly individual or the individual's designated caregiver and providers of health care or other services; and

(6) other issues as requested by the executive commissioner.

(b-1) Not later than December 1, 2010, the advisory committee shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives with primary jurisdiction over matters concerning health and human services on the advisory committee's activities, findings, and recommendations. This subsection expires September 1, 2011.

(c) The commission shall provide the advisory committee with the staff support necessary to allow the committee to fulfill its duties.

(d) A member of the advisory committee serves without compensation but is entitled to a per diem allowance and

reimbursement at rates established for state employees for travel expenses incurred in the performance of the member's official duties.

(e) Expenses under Subsection (d) shall be paid from existing appropriations to the commission but may not exceed \$50,000 per year.

(f) Chapter 2110 does not apply to the advisory committee.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

H.B. No. 4154

President of the Senate

Speaker of the House

I certify that H.B. No. 4154 was passed by the House on May 6, 2009, by the following vote: Yeas 90, Nays 44, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4154 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor