

AN ACT

relating to facilitating access to certain public assistance benefits programs and health care providers and services through a community-based navigator program and through promotoras and community health workers.

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

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. COMMUNITY-BASED NAVIGATOR PROGRAM

Sec. 531.751. DEFINITIONS. In this subchapter:

(1) "Community-based organization" and "faith-based organization" have the meanings assigned by Section 535.001.

(2) "Navigator" means a person who is:

(A) a volunteer or other representative of a faith- or community-based organization; and

(B) certified by the commission to provide or facilitate the provision of information or assistance through the faith- or community-based organization to individuals applying or seeking to apply online through the Texas Integrated Eligibility

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Redesign System (TIERS) or any other electronic eligibility system
that is linked to or made a part of that system for public
assistance benefits administered by the commission.

Sec. 531.752. ESTABLISHMENT OF COMMUNITY-BASED NAVIGATOR
PROGRAM. If the executive commissioner determines that a statewide
community-based navigator program can be established and operated
using existing resources and without disrupting other commission
functions, the commission shall establish a statewide community-
based navigator program through which the commission will train and
certify as navigators volunteers and other representatives of
faith- and community-based organizations to assist individuals
applying or seeking to apply online for public assistance benefits
through the Texas Integrated Eligibility Redesign System (TIERS) or
any other electronic eligibility system that is linked to or made a
part of that system. In establishing the navigator program, the
commission shall solicit the expertise and assistance of interested
persons, including faith- and community-based organizations, and
may establish a work group or other temporary, informal group of
interested persons to provide input and assistance.

Sec. 531.753. PROGRAM STANDARDS. The executive commissioner
shall adopt standards to implement this subchapter, including
standards:

(1) subject to Section 531.754, regarding the

qualifications and training required for certification as a navigator;

(2) regarding the suspension, revocation, and, if appropriate, periodic renewal of a navigator certificate;

(3) to protect the confidentiality of applicant information handled by navigators; and

(4) regarding any other issues the executive commissioner determines are appropriate.

Sec. 531.754. TRAINING PROGRAM. The commission shall develop and administer a training program for navigators. The program must include training on:

(1) how to complete an online application for public assistance benefits through the Texas Integrated Eligibility Redesign System (TIERS);

(2) the importance of maintaining the confidentiality of information handled by a navigator;

(3) the importance of obtaining and submitting complete and accurate information when completing an application for public assistance benefits online through the Texas Integrated Eligibility Redesign System (TIERS);

(4) the financial assistance program, the supplemental nutrition assistance program, the medical assistance program, the child health plan program, and any other public assistance benefits

program for which an individual may complete an online application through the Texas Integrated Eligibility Redesign System (TIERS); and

(5) how an individual may apply for other public assistance benefits for which an individual may not complete an online application through the Texas Integrated Eligibility Redesign System (TIERS).

Sec. 531.755. PUBLICATION OF NAVIGATOR LIST. The commission shall maintain and publish on the commission's Internet website a list of certified navigators.

SECTION 2. Chapter 48, Health and Safety Code, is amended to read as follows:

CHAPTER 48. [~~TRAINING AND REGULATION OF~~] PROMOTORAS AND
COMMUNITY HEALTH WORKERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 48.001. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the Promotora and Community Health Worker Training and Certification Advisory Committee.

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

(3) "Commissioner" means the commissioner of state health services.

(4) "Compensation" includes receiving payment or receiving reimbursement for expenses.

(5) "Department" means the Department of State Health Services.

(6) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(7) [~~2~~] "Promotora" or "community health worker" means a person who, with or without compensation, provides a liaison between health care providers and patients through activities that may include activities such as assisting in case conferences, providing patient education, making referrals to health and social services, conducting needs assessments, distributing surveys to identify barriers to health care delivery, making home visits, and providing bilingual language services.

SUBCHAPTER B. TRAINING AND REGULATION OF PROMOTORAS AND
COMMUNITY HEALTH WORKERS

Sec. 48.051 [~~48.002~~]. PROMOTORA AND COMMUNITY HEALTH WORKER TRAINING PROGRAM. (a) The department shall establish and operate a program designed to train and educate persons who act as promotoras or community health workers. In establishing the training program, the department, to the extent possible, shall consider the [~~report and any findings of and implement any~~] applicable recommendations of the advisory committee [~~Promotora~~]

~~Program Development Committee]~~.

(b) Participation in a training and education program established under this section is voluntary for a promotora or community health worker who provides services without receiving any compensation and mandatory for a promotora or community health worker who provides services for compensation. The executive commissioner [~~board~~] may adopt rules to exempt a promotora or community health worker from mandatory training who has served for three or more years or who has 1,000 or more hours of experience.

Sec. 48.052 [~~48.003~~]. CERTIFICATION PROGRAM FOR PROMOTORAS AND COMMUNITY HEALTH WORKERS. (a) The department shall establish and operate a certification program for persons who act as promotoras or community health workers. In establishing the program, the executive commissioner [~~board~~] shall adopt rules that provide minimum standards and guidelines, including participation in the training and education program under Section 48.051 [~~48.002~~], for issuance of a certificate to a person under this section. In adopting the minimum standards and guidelines, the executive commissioner [~~board~~] shall consider the [~~report and any findings of and adopt any~~] applicable recommendations of the advisory committee [~~Promotora Program Development Committee~~].

(b) Receipt of a certificate issued under this section may not be a requirement for a person to act as a promotora or

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community health worker without receiving any compensation and is a requirement for a person to act as a promotora or community health worker for compensation.

(c) The commission [~~Health and Human Services Commission~~] shall require health and human services agencies to use certified promotoras to the extent possible in health outreach and education programs for recipients of medical assistance under Chapter 32, Human Resources Code.

Sec. 48.053. RULES. The executive commissioner shall adopt rules for the administration of this subchapter.

SUBCHAPTER C. MAXIMIZING BENEFITS FROM EMPLOYMENT OF
PROMOTORAS AND COMMUNITY HEALTH WORKERS

Sec. 48.101. PROMOTORA AND COMMUNITY HEALTH WORKER TRAINING AND CERTIFICATION ADVISORY COMMITTEE. (a) The department shall establish a statewide Promotora and Community Health Worker Training and Certification Advisory Committee composed of representatives from relevant entities appointed by the commissioner. The commissioner shall appoint a member of the advisory committee as presiding officer of the advisory committee.

(b) The advisory committee shall:

(1) advise the department and the commission on the implementation of standards, guidelines, and requirements under this chapter that relate to the training and regulation of

promotoras and community health workers;

(2) advise the department on matters related to the employment and funding of promotoras and community health workers;
and

(3) provide to the department recommendations for a sustainable program for promotoras and community health workers consistent with the purposes of this subchapter.

(c) Chapter 2110, Government Code, applies to the advisory committee.

Sec. 48.102. STUDY. (a) The department, in coordination with the commission, shall:

(1) study the desirability and feasibility of employing promotoras and community health workers to provide publicly and privately funded health care services in this state;

(2) explore methods of funding and reimbursing promotoras and community health workers for the provision of health care services and outline the costs to this state of the funding and reimbursement; and

(3) develop recommendations to:

(A) maximize the employment of and access to promotoras and community health workers; and

(B) expand the funding of and reimbursement for services provided by promotoras and community health workers.

(b) In conducting the study required by Subsection (a), the department shall consult:

(1) relevant national organizations engaged in the development of community health worker policy;

(2) the advisory committee; and

(3) other individuals or organizations the department considers necessary.

(c) In conducting the study required under Subsection (a), the department shall assess the impact of promotoras and community health workers on increasing the efficiency of, quality of, and access to health care services.

(d) On or before December 1, 2012, the department shall submit to the legislature a report regarding the findings of the study conducted under this section.

(e) This section expires December 31, 2012.

SECTION 3. The heading to Subtitle B, Title 2, Health and Safety Code, is amended to read as follows:

SUBTITLE B. [~~TEXAS DEPARTMENT OF~~] HEALTH PROGRAMS

SECTION 4. If the executive commissioner of the Health and Human Services Commission makes the determination specified by Section 531.752, Government Code, as added by this Act, the commission shall establish the statewide community-based navigator program under Subchapter S, Chapter 531, Government Code, as added

by this Act, not later than September 1, 2012.

SECTION 5. Not later than December 31, 2011, the Department of State Health Services shall:

(1) establish the Promotora and Community Health Worker Training and Certification Advisory Committee as required by Section 48.101, Health and Safety Code, as added by this Act; and

(2) adopt the rules required by Section 48.053, Health and Safety Code, as added by this Act.

SECTION 6. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 7. This Act takes effect September 1, 2011.

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President of the Senate

Speaker of the House

I certify that H.B. No. 2610 was passed by the House on May 6, 2011, by the following vote: Yeas 65, Nays 54, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2610 was passed by the Senate on May 24, 2011, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED:

Date

Governor