

1 AN ACT

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

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

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

9 SUBCHAPTER S. COMMUNITY-BASED NAVIGATOR PROGRAM

10 Sec. 531.751. DEFINITIONS. In this subchapter:

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

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

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

16 (B) certified by the commission to provide or
17 facilitate the provision of information or assistance through the
18 faith- or community-based organization to individuals applying or
19 seeking to apply online through the Texas Integrated Eligibility
20 Redesign System (TIERS) or any other electronic eligibility system
21 that is linked to or made a part of that system for public
22 assistance benefits administered by the commission.

23 Sec. 531.752. ESTABLISHMENT OF COMMUNITY-BASED NAVIGATOR
24 PROGRAM. If the executive commissioner determines that a statewide

1 community-based navigator program can be established and operated
2 using existing resources and without disrupting other commission
3 functions, the commission shall establish a statewide
4 community-based navigator program through which the commission
5 will train and certify as navigators volunteers and other
6 representatives of faith- and community-based organizations to
7 assist individuals applying or seeking to apply online for public
8 assistance benefits through the Texas Integrated Eligibility
9 Redesign System (TIERS) or any other electronic eligibility system
10 that is linked to or made a part of that system. In establishing the
11 navigator program, the commission shall solicit the expertise and
12 assistance of interested persons, including faith- and
13 community-based organizations, and may establish a work group or
14 other temporary, informal group of interested persons to provide
15 input and assistance.

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

19 (1) subject to Section 531.754, regarding the
20 qualifications and training required for certification as a
21 navigator;

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

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

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

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

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

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

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

13 (4) the financial assistance program, the
14 supplemental nutrition assistance program, the medical assistance
15 program, the child health plan program, and any other public
16 assistance benefits program for which an individual may complete an
17 online application through the Texas Integrated Eligibility
18 Redesign System (TIERS); and

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

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

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

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

2 HEALTH WORKERS

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 48.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

18 (7) [~~(2)~~] "Promotora" or "community health worker"
19 means a person who, with or without compensation, provides a
20 liaison between health care providers and patients through
21 activities that may include activities such as assisting in case
22 conferences, providing patient education, making referrals to
23 health and social services, conducting needs assessments,
24 distributing surveys to identify barriers to health care delivery,
25 making home visits, and providing bilingual language services.

1 SUBCHAPTER B. TRAINING AND REGULATION OF PROMOTORAS AND COMMUNITY

2 HEALTH WORKERS

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

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

19 Sec. 48.052 [~~48.003~~]. CERTIFICATION PROGRAM FOR
20 PROMOTORAS AND COMMUNITY HEALTH WORKERS. (a) The department shall
21 establish and operate a certification program for persons who act
22 as promotoras or community health workers. In establishing the
23 program, the executive commissioner [~~board~~] shall adopt rules that
24 provide minimum standards and guidelines, including participation
25 in the training and education program under Section 48.051
26 [~~48.002~~], for issuance of a certificate to a person under this
27 section. In adopting the minimum standards and guidelines, the

1 executive commissioner [~~board~~] shall consider the [~~report and any~~
2 ~~findings of and adopt any~~] applicable recommendations of the
3 advisory committee [~~Promotora Program Development Committee~~].

4 (b) Receipt of a certificate issued under this section may
5 not be a requirement for a person to act as a promotora or community
6 health worker without receiving any compensation and is a
7 requirement for a person to act as a promotora or community health
8 worker for compensation.

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

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

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

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

25 (b) The advisory committee shall:

26 (1) advise the department and the commission on the
27 implementation of standards, guidelines, and requirements under

1 this chapter that relate to the training and regulation of
2 promotoras and community health workers;

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

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

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

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

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

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

20 (3) develop recommendations to:

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

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

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

27 (1) relevant national organizations engaged in the

1 development of community health worker policy;

2 (2) the advisory committee; and

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

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

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

12 (e) This section expires December 31, 2012.

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

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

16 SECTION 4. If the executive commissioner of the Health and
17 Human Services Commission makes the determination specified by
18 Section 531.752, Government Code, as added by this Act, the
19 commission shall establish the statewide community-based navigator
20 program under Subchapter S, Chapter 531, Government Code, as added
21 by this Act, not later than September 1, 2012.

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

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

27 (2) adopt the rules required by Section 48.053, Health

1 and Safety Code, as added by this Act.

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

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

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