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**Texas
Sunset
Advisory
Commission**

STAFF EVALUATION

**Texas Long-Term Care Coordinating
Council for the Elderly**

**A Staff Report
to the
Sunset Advisory Commission**



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**LONG-TERM CARE COORDINATING
COUNCIL FOR THE ELDERLY**

November 1990

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SUMMARY

Summary

The Long-Term Care Coordinating Council for the Elderly is subject to the Texas Sunset Act and will be automatically abolished unless statutorily continued by the 72nd Legislature in 1991. The review of the council included an assessment of the need for the functions of the agency and benefits that could be gained through transfer of the council's functions to another existing agency. The results are summarized below:

Assessment of Need for Agency Functions

The review concluded that the functions of the Long-Term Care Coordinating Council for the Elderly should be continued. These functions include encouraging coordinated planning of long-term care services to the elderly, overseeing the state's long-term care plan for the elderly, and reviewing issues and developing recommendations for changes to improve services in this area.

Assessment of Organizational Alternatives

If the decision is made to continue the functions of the council, the review concluded that the Long-Term Care Coordinating Council should be abolished and its functions transferred to the Texas Department on Aging. The council has been inactive, resulting in it being unable to fulfill its statutory duties. Transferring the council's functions to the Texas Department on Aging will eliminate the need for separate council to address an area that more generally falls under the responsibilities of the Texas Department on Aging, as the lead state agency for issues related to the elderly.

Fiscal Impact

The adoption of these recommendations would result in cost savings of approximately \$3,400 to the Texas Department on Aging.

BACKGROUND

Creation and Powers

The Long-Term Care Coordinating Council for the Elderly was created by the legislature in 1983 to encourage coordinated planning among the public, private and volunteer sectors providing long-term care services to the elderly. Long-term care is defined in the council's enabling statute as "the broad range of medical, social, and supportive services for elderly persons who have lost some capacity for self-care and who are expected to need care for an extended period of time." The council is responsible for overseeing the state's long-term care plan for the elderly, for reviewing issues concerning long-term care for the elderly, and for developing appropriate policy recommendations for the state in this area. The duties of the council have not changed since its creation in 1983.

Texas' original long-term care plan for the elderly was developed in 1982 by a planning group appointed by the governor. The plan included a series of goals and objectives to meet the long-term care needs of elderly Texans. The plan has been updated twice by the council, first in 1984 and again in 1986. The council also made recommendations to the legislature in 1984, 1986 and 1988 addressing long-term care needs of the elderly. Each session, the council has advocated for appropriations which would support the various state agency programs that provide long-term care services to the elderly. The council has also supported the establishment of a full "continuum of care," including alternatives that allow individuals to remain at home when institutional long-term care is not absolutely necessary.

Policy-making Body

The council is composed of 17 members. The governor appoints the chair, the lieutenant governor appoints a senator, and the speaker of the house appoints a member of the house of representatives. The governor, lieutenant governor and the speaker of the house each appoint a provider, a private citizen and a consumer of long-term care services. The remaining four members are appointed by the governing board of each of the following agencies to represent that agency on the council: the Texas Department on Aging, the Texas Department of Human Services, the Texas Department of Health, and the Texas Department of Mental Health and Mental Retardation.

Members of the council serve two-year terms. Members may be reappointed, with no limit on the total number of years a member may serve. Members receive no compensation, but are entitled to reimbursement for actual and necessary expenses. A majority, or nine members of the council, constitutes a quorum.

Funding and Organization

The Long-Term Care Coordinating Council for the Elderly receives no direct state appropriation and has no paid staff. The Texas Department on Aging (TDoA) is statutorily designated as the "lead agency" for the council. Currently, the only expenses of the council are for the travel costs of members. These costs have traditionally been shared by the four participating state agencies, up to a limit of

\$850 per agency per year or a total of \$3,400 per year. However, in fiscal year 1990, only one meeting was held, so total travel costs for the year were only \$1,380 and TDoA covered these costs. The council is also authorized to receive and spend grants and donations, however, no such funding has ever been received.

The statute provides for the council to use the existing staff of an appointing official or agency to assist it in performing its duties. The state agencies and legislative offices have provided professional and clerical staff support as needed, with the Texas Department of Aging providing the bulk of this support. In addition, the state agencies have assumed responsibility for the publication of council documents, such as the state plan.

RESULTS OF REVIEW

Overall Approach to the Review

Overall Approach to the Review

The Texas Sunset Act requires an assessment of several factors as part of the review of an agency. These factors include a determination of the continued need for the functions performed by the agency and a determination if those functions could be better performed by another agency.

In accordance with the Sunset Act, the review of the Long-Term Care Coordinating Council included an assessment of these factors. The assessment of the need for the council's functions focused on whether there was a continuing need for state involvement in the promotion of coordination among the public, private and volunteer sectors providing long-term care services to the elderly. The review then examined whether benefits would result from transferring the council's functions to another state agency.

A number of activities were undertaken by the sunset staff to assess the need for the Long-Term Care Coordinating Council for the Elderly and to gain a better understanding of the council's current approach to its duties. These activities included:

- personal and phone interviews with the current chair of the council and council support staff from the Texas Department on Aging;
- review of various agency documents and records, legislative and budget documents, and literature concerning long-term care services for the elderly;
- personal and phone interviews with various state agency representatives involved with the activities of the council; and
- personal and phone interviews with various interest and advocacy groups involved with the activities of the council.

The results of the review are addressed in the two following sections of this report: 1) Assessment of Need for Agency Functions; and 2) Assessment of Organizational Alternatives.

Assessment of Need for Agency Functions

ISSUE 1: The functions of the Long-Term Care Coordinating Council for the Elderly should be continued.

BACKGROUND

The functions of the Long-Term Care Coordinating Council are to: encourage coordinated planning among the public, private, and volunteer sectors providing long-term care to the elderly; oversee the implementation of the long-term care plan for the elderly; and review issues and develop appropriate policy recommendations for the state in the area of long-term care for the elderly.

As part of the review, an evaluation was made to determine if there is a continuing need for each of these functions. The evaluation indicated the following:

- ▶ **Coordinated planning is needed to ensure against duplication and gaps in long-term care services to the elderly.**
 - Texas has a number of public, private and volunteer entities involved in providing long-term care services to elderly, including four major state agencies and a large number of private providers and volunteer organizations located throughout the state. Many of these entities provide similar services and target similar groups of elderly people. A lack of coordination and planning could result in duplications or overlaps in service.
- ▶ **The long-term care state plan for the elderly is the only comprehensive plan that addresses the needs of the elderly in this particular area and needs to be updated regularly to continue to be a useful guide.**
 - Most of the individual state agencies providing long-term care services to the elderly have developed strategic plans for the particular services and populations they are authorized and funded to serve. The long-term care state plan for the elderly, however, is the only document that provides broad goals and objectives that need to be addressed cooperatively by the large number of public, private and volunteer entities involved in providing these services.
 - Updating the plan every two years ensures that the document is kept up-to-date with changes regarding services in this area. For example, the current plan will need to be updated to incorporate changes to state law that were made as a result of the work of the Special Task Force on the Future of Long-Term Health Care in 1989.
- ▶ **Issues related to the long-term care needs of the elderly continue to be of major interest to the legislature.**

- According to the Texas Department on Aging, the population of Texans over 65 is growing faster than any other age group, and the over 85 age group is the fastest growing group of all. This growing population and the lack of sufficient, affordable or coordinated long-term care services will likely result in these issues continuing to be brought forward to the legislature.

Based on these findings, the conclusion is that there is a continuing need for the functions currently assigned to the Long-Term Care Coordinating Council for the Elderly.

RECOMMENDATION

- **The functions of the Long-Term Care Coordinating Council should be continued.**

Continuing the functions of the council will maintain a focus on the need for the coordination of public, private and volunteer long-term care services to the elderly.

FISCAL IMPACT

If the functions of the council are continued using the existing council structure, the annual travel costs of up to \$3,400 would continue. If the functions are transferred to another entity, the fiscal impact would depend upon the costs to the new entity of performing these duties.

Assessment of Organizational Alternatives

ISSUE 2: The Long-Term Care Coordinating Council for the Elderly should be abolished and its functions should be transferred to the Texas Department on Aging.

BACKGROUND

The Long-Term Care Coordinating Council for the Elderly was created in 1983 to encourage coordinated planning of long-term care services for the elderly, to regularly update Texas' long-term care plan, and to study issues and develop policy recommendations for the legislature concerning issues in this area. The council is composed of 17 members including the chair, one state senator, one state representative, three providers, three private citizens, three consumers, and one representative each from the four state agency boards whose agencies provide long-term care services to the elderly.

The review of the council focused on determining if there is a continuing need for the council. This involved the examination of two key areas. The first is the extent to which the council has complied with and achieved the objectives of its mandate. The second is the extent to which the duties of the council overlap with those of other state agencies and the extent to which the duties could be performed more effectively if consolidated. The results of the review indicated the following:

- ▶ **The council is not currently active, resulting in it being unable to act as an effective forum for the coordination of long-term care services.**
 - The council has not met since November 1989. The meeting in November 1989 was the only meeting of the council in fiscal year 1990 and only seven of the total 17 members were present. The primary purpose of the meeting was to tour a model senior health services program in El Paso. Due to the lack of a quorum, no formal business could be conducted.
 - In the prior year, fiscal year 1989, the council only met twice.
 - This lack of activity has resulted in the council being less than effective in its overall ability to act as a forum for the discussion and coordination of long-term care issues.
- ▶ **The council has not consistently overseen the state plan or developed policy recommendations for the state in the area of long-term care for the elderly.**
 - The statute provides for the council to report biennially to the governor and the legislature on revision of Texas' long-term care plan for the elderly. The last revision of the plan was conducted by the council in 1986 prior to the 70th legislative session. The council did not prepare an update of the plan for the 71st session in 1989 and

is not planning an update of the plan for the 72nd legislative session in 1991.

- The statute also provides for the council to review issues concerning long-term care for the elderly and develop appropriate policy recommendations for the state. The council most recently filed a report in 1988 for the 71st legislature, recommending that 1991 be proclaimed as "Texas' Senior Year." The council also asked for \$100,000 in funding to implement an awareness campaign to inform the general public of ways they could volunteer to help address the problems of long-term care. The legislature did pass a resolution making 1991 Texas' Senior Year, however, no funding was provided to publicize the campaign. The council is not currently planning to file any recommendations this year for the 72nd legislature.
- ▶ **The Texas Department on Aging has broad responsibilities in the area of aging and can perform the specific duties of the council without the need for a separate council.**
 - The Texas Department on Aging (TDoA), under the Older Americans Act, is designated to be the lead state agency in Texas on all aging issues. The department operates through a system of 28 local area agencies on aging which directly or indirectly provide services to the elderly. The department is responsible for being an advocate for the elderly by carrying out a wide range of functions designed to lead to the development or enhancement of comprehensive and coordinated community based services for the elderly. These functions include advocacy, planning, coordination, interagency linkages, information sharing, brokering, monitoring and evaluation of services for the elderly. Long-term care services are a major component of these services.
 - The TDoA has been the lead agency for the council and has provided the staff support for the majority of its activities. The TDoA is very familiar with the purpose and functions of the council and could take over these activities with the least amount of disruption.
 - The TDoA obtains input on a regular basis from its Citizen Advisory Council, with members representing all of the local area agencies on aging. However, if additional input is needed on long-term care issues, or from providers or consumers of long-term care services, the Texas Board on Aging has the authority to establish an advisory committee to assist them in this area.
 - The TDoA is also involved in a number of ongoing coordination efforts with other state agencies. For example, TDoA is currently in the process of developing a Memorandum of Understanding with the Texas Department of Human Services to identify opportunities for service coordination and to avoid service duplication.

PROBLEM

The council has been largely inactive since 1989 and therefore has not been fulfilling the role for which it was originally created. Many of its duties overlap with the broader responsibilities of the Texas Department of Aging and could be performed more effectively if directly assigned to the department.

RECOMMENDATION

- **The statute should be amended to:**
 - **abolish the Long-Term Care Coordinating Council for the Elderly and transfer its functions to the Texas Department on Aging; and**
 - **require the Texas Department on Aging, the Texas Department of Human Services, the Texas Department of Health, and the Texas Department of Mental Health to adopt a memorandum of understanding regarding the biennial revision and updating of the long-term care state plan for the elderly.**

Transferring the functions of the council to the Texas Department on Aging will help ensure that these activities are more consistently addressed and will eliminate the need for an inactive council. The department already has broad responsibility for encouraging coordination and planning among the public, private and volunteer sectors providing services to the elderly and for making recommendations on policy issues related to the elderly. However, the statute would have to be amended to specifically direct the department to focus on long-term care services and to require them to take the lead regarding oversight the state plan. The requirement for the adoption of an MOU governing the regular revision of the state plan will help ensure input from all four agencies on the state plan, and not just the Texas Department on Aging.

FISCAL IMPACT

The fiscal impact of this recommendation would be to eliminate the need for travel costs of council members. In fiscal year 1990 this resulted in costs to the Texas Department on Aging of \$3,400. This recommendation may also result in some additional work for the Texas Department on Aging, but it should be minimal, as the department is already acting as the lead agency for the council.

**Long-Term Care Coordinating
Council for the Elderly**

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