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The Silver Bullet(in), July 1995

Texas Silver-Haired Legislature

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THE SILVER BULLET(IN)

News From the Texas Silver Haired Legislature

Al Hieken, Editor

JULY 1995

5th Texas Silver-Haired Legislature

TSHL GENERAL SESSION, SEPT. 5-8, WILL DECIDE URGENTLY IMPORTANT MATTERS;
FULL ATTENDANCE OF MEMBERS URGED SO ALL CAN HAVE VOICE IN DECISIONS

Speaker Homer Lear and other officers of the Texas Silver-Haired Legislature are appealing to all members to attend the General Session Sept. 5 to Sept. 8, at MO Ranch, Hunt, Texas, near Kerrville, so that everyone can share in making decisions that will affect the future of the organization and its relations with the Texas Silver-Haired Legislative Foundation, among other matters. A full attendance will insure not only that a democratic outcome can be assured, but also that there will be sufficient votes cast to decide proposed changes in By-laws or other matters that require a two-thirds vote for passage. Decisions made

HOLTERMANN PRAISED BY HOUSE SPEAKER

Speaker James E. "Pete" Laney of the Texas House of Representatives paid high honor to John Holtermann, chairman of the TSHL Legislative Action Committee, whom he credited with leading the successful effort to retain protection of the Texas homestead constitution provision. Laney wrote to Holtermann; "Thank you for your tireless efforts on behalf of all Texans to preserve our state's homestead protection. Greg and Rick (aides) kept me informed of your many visits and hard work with everyone involved in the legislative process. Texas is better as a result of your belief that with "communication" we can accomplish anything.

"Again thanks: I look forward to seeing you again in the future."

It is not often that the Speaker writes to praise a legislative advocate. Holtermann, said Deputy Speaker ~~Pro~~ Tem of TSHL, deserved the testimonial, "not only for his accomplishments...but for his superlative skills as a communicator as attested by numerous legislative leaders, both in the House and the Texas Senate." In the 74th, he and his Legislative Action Committee did a superlative advocacy job.

at the MO Ranch session will affect future operations of TSHL as well as the TSHL Foundation and lay the groundwork for future financial decisions that could result in providing a solid assurance that TSHL members could be reimbursed for expenses that most are now bearing out of their own pockets.

The theme for the general session is "Review and Improve."

Members attending the general session are asked to be sure to bring their copies of the TSHL By-laws, Policy and Procedures Handbook and Elections and Credentials Manual.

Although a deadline of June 30 had been set for members to sign up for attending the MO Ranch session, Felix Nigh, chairman of the Operations Committee, has obtained assurance from MO Ranch that members can still sign up until August 1, so if you haven't you still have time to send in your payment to Mina Green, vice chair of Operations Committee, 2202 Vincent, Brownwood, Texas 76801. Her phone number is 915-646-4879. Act now.

FIVE TSHL MEMBERS GET CERTIFICATES

Certificates of Appreciation were given to TSHL members Alexander Hieken, Felix Nigh, Elmer Ingle, Carrie Jones and Harold Murdock at a dinner June 27 in Houston hosted by the Texas Health Care Association.

HOLTERMANN DRAWS SPEAKER'S PRAISE
(Continued from Page 1)

Under Holtermann's leadership the Legislative Action Committee sheperded 10 of the 15 priority resolutions of TSHL to passage as bills in the Legislature this session. Attached to this issue is a listing of the results of the 5th TSHL' efforts on the priority legislative goals. In addition, five other measures that the TSHL team helped on passed. Assisting Chairman Holtermann were the vice chairman, Phill Parmer, Secretary Dolores Tousignant and members Rachael Bell, James Davis, May Della Everett, Win Frankel, Nikki Gatlin, Felix Gibson, Earl Landis, Tom Perkins and Bills Robertson. And, of course all of the TSHL officers and many other members, including the sponsor of the No. 1 priority, Carrie Jones.

Unfortunately one of the bills that passed, Senate Bill 103, by Senator Mike Moncrief, Priority No. 11, providing for an office of guardianship, was vetoed on June 16 by Gov. George W. Bush, leaving Texas without assistance to more than 25,000 incapacitated persons that TSHL and 29 other groups believed needed the help. An effort to pass such needed legislation may be made in the next legislative session.

POST-WHITE HOUSE CONFERENCE SET

Central States Coalition on Aging will sponsor a conference Aug. 21-23 in Dallas to survey the "Next Steps" following up on the White House Conference. Key-note speakers will be Dr. Arthur Flemming and Robert B. Blancato. Senators David Pryor and Kay Bailey Hutchison were invited. Preceding the conference will be meetings on National Silver-Haired Congress and National Silver-Haired Legislators Aug. 19 and Aug. 20. Co-sponsors include the Texas Department on Aging, Administration on Aging Regions VI and VII and AARP Area 7 office.

PREPARATIONS FOR SILVER-HAIRED CONGRESS FIRST SESSION ADVANCE

Preparations to convene the first session of a Silver-Haired Congress in November are under way, according to information from John R. Hawkins, Sr., of Snook, Texas, a member of the Texas Silver-Haired Legislature who is acting as Texas Steering Committee Coordinator for the National SHC. According to Hawkins, elections should have been held and results should have been sent from each of the 28 areas from which members of the TSHL are elected.

However, it appears that such elections have not been held by June 15, as indicated by Hawkins in his communication of April 10, 1995. According to that communication TSHL members were supposed to caucus and elect one member and one alternate to the NSHC with each person selected required to be at least 60 years old. Hawkins said that S.H. Congress members will serve no more than two 2-year terms. So far, funds for expenses of Congress members have not become available although application has been made for corporate funding grants for that purpose. More information is promised and persons who seek membership or have been selected are advised to attend the meeting on the NHSC in Dallas on Aug. 19, 1995, at the downtown Harvey Hotel.

10 STATE SENATORS COMMENDED FOR VOTE

There were 10 Texas Senators who received recognition at the meeting of the TS-HL Executive Committee June 15 for their "sound judgement", according to John Holtermann, in opposing Senate Bill 301, sponsored by Senator Jerry Patterson of Pasadena, Texas. The bill would have eliminated protection of senior citizens homesteads as advocated by Priority No. 1 of the TS-HL. The bill passed the State Senate but was allowed to die in the Texas House.

*Names listed below.

TWO MEMBERS RESIGN FROM TS-HL

Maxine Miffleton of San Saba, representing Central Texas, and Harold G. Murdock, representing Houston-Galveston, from Rosenberg, have resigned from TSHL.

*Gonzalo Barrientos, Chris Harris, John Leedom, Gregory Luna, Frank Madla, Peggy Rosson, William Sims, Carlos Truan, James Turner, Drew Wilson.

TEXAS FIFTH SILVER-HAIRED LEGISLATURE
1994-1996

TSHL PRIORITY RESOLUTIONS (1-15)

PRIORITY &
"R" NUMBER

TITLE OF RESOLUTION

The following priority resolutions were favorably considered and passed by the Texas 74th State Legislature, and signed by the Governor:

- 1 (R-1) PRESERVE THE PRESENT TEXAS HOMESTEAD ACT
- 3 (R-9) SUPPORT "ZERO TOLERANCE" DISCIPLINE POLICY FOR SCHOOLS
- 4 (R-15) INCREASE STATE FUNDING FOR TDOA AND TDHS
- 5 (R-2) INCREASED PENALTIES FOR FRAUD AGAINST THE ELDERLY
- 6 (R-3) CRIMINAL BACKGROUND CHECK FOR SCHOOL EMPLOYEE APPLICANTS
- 7 (R-6) IMPROVE QUALITY OF NURSING HOME CARE FOR ELDERLY RESIDENTS
- 10 (R-14) MEDICAID WAIVER TO ENSURE INDEPENDENT HOME LIVING FOR ELDERLY
- 12 (R-16) RETAIN 7.31% CONTRIBUTION TO TEACHER RETIREMENT SYSTEM
- 14 (R-18) REQUIRE LIMITS ON MEDICAL LIABILITY INSURANCE CLAIMS
- 15 (R-20) MEDICAID WAIVERS FOR ELDERLY IN-HOME SERVICES

The following priority resolution was favorably considered and passed by the Texas 74th State Legislature, but was vetoed by the Governor:

- 11 (R-19) ESTABLISH AN OFFICE OF PUBLIC GUARDIANSHIP

The following priority resolutions were considered, but not adopted by the Texas 74th State Legislature:

- 2 (R-8) EXPAND "OPTIONS FOR INDEPENDENT LIVING" PROGRAMS
- 9 (R-30) ESTABLISH ADEQUATE STAFFING PATTERNS FOR TEXAS NURSING HOMES
- 13 (R-21) INCREASE FUNDS FOR NURSING HOME RESIDENT'S PERSONAL NEEDS

The following priority resolution was not filed with the Texas 74th State Legislature because no bills were introduced during the legislative session that would discriminate against elderly Texas drivers:

- 8 (R-24) PROTECT ELDERLY AGAINST DISCRIMINATION IN SECURING DRIVER LICENSES

Bill McCaffrey (07/15/95)

FIFTH TEXAS SILVER-HAIRED LEGISLATURE
LEGISLATIVE ACTION SUMMARY

DATE: 06/15/95

TSHL PRIORITY RESOLUTIONS (1-15)

PAGE 1

PRIORITY/ RESOLUTION	SHORT TITLE, CONTENTS, TSHL COMMITTEE	74TH LEGISLATURE ACTION STATUS/COMMENTS
1. (R-1)	<p><u>PRESERVE THE PRESENT TEXAS HOMESTEAD ACT</u> That the Governor, the Attorney General and the Texas Legislature preserve the present Homestead Act and prevent equity loans on the homestead. (Retirement and Aging)</p>	<p><u>SB 301 Patterson:</u> Would permit encumbrance on homestead property for purpose of an equity loan. Passed Senate with amendments, and sent to House for review. House Financial Institutions Committee held public hearings, but did not send the measure to the House floor for a vote. The Senate Bill failed - the Homestead Act remains unchanged.</p>
2. (R-8)	<p><u>EXPAND "OPTIONS FOR INDEPENDENT LIVING" PROGRAMS</u> That increased funding be provided to the existing twelve (12) community-based "Options" programs, conducted by the Area Agencies on Aging and an expansion of "Options" to the remaining sixteen (16) Area Agency on Aging through Medicaid waiver. (Human Services)</p>	<p><u>Senate Finance Committee</u> recommended \$1.7 million per year above the TDOA official Legislative Appropriations Request (LAR) amount for the expansion of the Options Program. <u>HB 1 Junell:</u> Passed House with intentions to consider Options as part of a "wish list" to be considered during the House/Senate Conference Committee discussions. <u>Conference Committee:</u> With no federal frail elderly program funds available, the committee elected not to commit State General Revenue Funds to the Options Program. However, the committee approved the continuation of Options at the 1994-95 biennium funding level of \$1.7 million per year. The Conference report was approved by the House and Senate and sent to the Governor.</p>

FIFTH TEXAS SILVER-HAIRED LEGISLATURE
LEGISLATIVE ACTION SUMMARY

DATE: 06/15/95

TSHL PRIORITY RESOLUTIONS (1-15)

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PRIORITY/ RESOLUTION	SHORT TITLE, CONTENTS, TSHL COMMITTEE	74TH LEGISLATURE ACTION STATUS/COMMENTS
3. (R-9)	<p><u>SUPPORT "ZERO TOLERANCE" DISCIPLINE POLICY FOR SCHOOLS</u> That a "zero tolerance" policy on school violence, weapons, drugs and foul language be adopted and that alternative settings for disruptive students be established. (Education)</p>	<p><u>SB 1 Ratliff:</u> Education Bill passed the Senate and referred to the Conference Committee on Education. <u>Conference Committee:</u> Approved a "zero tolerance" measure, authorizing classroom teachers to remove disruptive students from the classroom - and veto the student's return to class. Measure also requires expulsion of students who commit crimes or carry guns at school. <u>HB 1 Junell:</u> Appropriations Bill provides for \$25 million for alternative education settings for students removed from class. SB 1 and HB 1 were approved and sent to the Governor.</p>
4. (R-15)	<p><u>INCREASE STATE FUNDING FOR TDOA AND TDHS</u> That increased funding for the Texas Department on Aging and the Texas Department of Human Services be provided for community-based services and health care services for the elderly and disabled, to avoid unnecessary and premature institutionalization. (Human Services)</p>	<p><u>Senate Finance Committee</u> recommended an increase of \$1.25 million above the official TDOA LAR amount for congregate meals. <u>HB 1 Junell:</u> Approved TDOA's official LAR request and indicated that it would consider several other TDOA programs for increased funding during the conference committee discussions. <u>Conference Committee:</u> Approved an increase in State funds that would provide \$3,157,500 for congregate meals, RSVP, foster grandparents program, senior companion program and STEP. The conference committee report was approved by the House and Senate and sent to the Governor.</p>

FIFTH TEXAS SILVER-HAIRED LEGISLATURE
LEGISLATIVE ACTION SUMMARY

(Revised: 07/15/95)

DATE: 06/15/95

TSHL PRIORITY RESOLUTIONS (1-15)

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PRIORITY/ RESOLUTION	SHORT TITLE, CONTENTS, TSHL COMMITTEE	74TH LEGISLATURE ACTION STATUS/COMMENTS
5. (R-2)	<p><u>INCREASED PENALTIES FOR FRAUD AGAINST THE ELDERLY</u> That appropriate measures be taken to prevent deceptive and fraudulent practices against the elderly by authorizing the Attorney General to levy additional civil penalty of \$10,000 and not more than \$1000,000 per violation. (Criminal Justice)</p>	<p><u>HB 274 Combs:</u> Remained in Civil Practices subcommittee. <u>SB 214 Simms:</u> Remained in Economic Developments Committee <u>HB 668 Junell:</u> Relating to consumer protection, made changes in the Deceptive Trade Practices Act but did not address increase in civil penalties for fraud <u>SB 28 Sibley:</u> -Tort Claims Act- includes reference to civil penalties involving elderly claimants.</p>
6. (R-3)	<p><u>CRIMINAL BACKGROUND CHECK FOR SCHOOL EMPLOYEE APPLICANTS</u> That a criminal background check of all persons applying for employment in Texas school systems be required and set forth in the laws of the State of Texas. (Criminal Justice)</p>	<p><u>SB 1 Ratliff:</u> Education Bill authorizes public and private schools and regional education service centers to obtain from any law enforcement or criminal justice agency all criminal history record information that relates to an employment applicant, volunteer or employee of the district. District school officials are also required to report to the State Board for Educator certification if they obtain or hold information showing that an applicant for or holder of a teaching certificate has a reported criminal history. Education Bill approved by the Senate and House and signed by the Governor.</p>
7. (R-6)	<p><u>IMPROVE QUALITY OF NURSING HOME CARE FOR ELDERLY RESIDENTS</u> That all health care education programs resulting in licensure or certification in Texas include mandatory studies in geriatric health care and that it be included in examinations. (Health & Human Resources)</p>	<p><u>SB 1059 Harris:</u> Sets new standards for individuals, licensed or certified, serving geriatric patients for completion of an appropriate geriatrics training program or an in-service geriatrics training program to be determined by the State Board. Approved by the House and Senate and sent to the Governor.</p>

FIFTH TEXAS SILVER-HAIRED LEGISLATURE
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TSHL PRIORITY RESOLUTIONS (1-15)

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PRIORITY/ RESOLUTION	SHORT TITLE, CONTENTS, TSHL COMMITTEE	74TH LEGISLATURE ACTION STATUS/COMMENTS
8. (R-24)	<p><u>PROTECT ELDERLY AGAINST DISCRIMINATION IN SECURING DRIVER LICENSES</u> That elderly drivers not be deprived of their right to drive when renewing their license due to any proposed restrictions which are applicable only to elderly drivers. (State Affairs)</p>	<p>It was determined by the Legislative Action Committee chairman, and the chairman of the TSHL State Affairs Committee that no legislative action is required on this resolution as no bill has been filed this session that would discriminate against elderly drivers.</p>
9. (R-30)	<p><u>ESTABLISH ADEQUATE STAFFING PATTERNS FOR TEXAS NURSING HOMES</u> That a minimum of one (1) certified aide to eight (8) residents on day shifts and one (1) certified aide to twelve (12) residents for the night shift in nursing homes be established. (Ways and Means)</p>	<p><u>HB 1575 Maxey</u>: Passed the House but no further action was taken by the 74th Legislature on this bill. <u>SB 865 West</u>: Left pending in Committee and no further taken by the 74th Legislature on this bill.</p>
10. (R-14)	<p><u>MEDICAID WAIVER TO ENSURE INDEPENDENT HOME LIVING FOR ELDERLY</u> That elderly persons receive health care in their own homes under alternative care programs via Medicaid waiver, rather than in nursing homes. (Retirement and Aging)</p>	<p><u>SB 103 & SCR 55 Zaffirini</u>: Health Reform Bill that provides for medicare waiver to ensure that all medicare recipients receive high quality, comprehensive health care service in the receipt of local community-based and managed care if the Commissioner obtains the medicare waiver. Passed by the Senate and House and sent to the Governor.</p>
11. (R-19)	<p><u>ESTABLISH AN OFFICE OF PUBLIC GUARDIANSHIP</u> That an office of Public Guardianship be established to ensure that all persons receive appropriate service and that the office set minimum standards for a statewide system. (State Affairs)</p>	<p><u>SB 103 Montcrief</u>: Authorizes the creation of a non-profit corporation and a guardianship resources board to provide guardianship and related services to any incapacitated person who needs assistance concerning the person's own welfare or financial affairs. Passed Senate and House and sent to the Governor.</p>

FIFTH TEXAS SILVER-HAIRED LEGISLATURE
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TSHL PRIORITY RESOLUTIONS (1-15)

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PRIORITY/ RESOLUTION	SHORT TITLE, CONTENTS, TSHL COMMITTEE	74TH LEGISLATURE ACTION STATUS/COMMENTS
12. (R-16)	<p><u>RETAIN 7.31% CONTRIBUTION TO TEACHER RETIREMENT SYSTEM</u> That the State Legislature retain the present State contribution to the Teacher Retirement System at 7.31% of pay, therefore allocating actuarial gains in '95 and '96 for benefit increases. (Education)</p>	<p><u>SB 9 Armbruster:</u> Reduces State contribution from 7.31% to 6.0%. However, the measure establishes a retired teacher pay adjustment that provides an increase of 17% monthly annuity for teachers that retired during 1972-73. Net result is a significant increase in retired pay of retired teachers that will compensate for a lower State contribution to the fund. Passed House and Senate and sent to Governor.</p>
13. (R-21)	<p><u>INCREASE FUNDS FOR NURSING HOME RESIDENT'S PERSONAL NEEDS</u> That necessary funds be appropriated to increase the amount of income to be kept by the resident for personal care items be raised from \$30.00 per month to \$85.00 per month. (Human Services)</p>	<p><u>HB 648 Ramsey:</u> Passed House. No further action taken on the Bill by the 74th Texas Legislature.</p>
14. (R-18)	<p><u>REQUIRE LIMITS ON MEDICAL LIABILITY INSURANCE CLAIMS</u> That an upper-limit cap of \$250,000.00 be established on medical malpractice insurance claims for non-economic damages in order to reduce physicians malpractice insurance costs that ultimately are passed on to consumer patients. (Insurance)</p>	<p><u>SB 28 Sibley:</u> Tort reform bill restricts punitive damages for medical malpractice claims, limiting them to \$200,000 or the sum of two times economic damages (loss of pay, etc.). Passed Senate and House and signed by the Governor. <u>C.S.H.B. 771 Hunter:</u> Requires plaintiff who sues doctor to put up \$5,000 bond for each physician named in the suit. Lawyers and/or plaintiff who lose suit loses bond. Each plaintiff must file a report from a recognized medical expert attesting to the validity of the Claim. Passed House and Senate and signed by the Governor.</p>

FIFTH TEXAS SILVER-HAIRED LEGISLATURE
LEGISLATIVE ACTION SUMMARY

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TSHL PRIORITY RESOLUTIONS (1-15)

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PRIORITY/ RESOLUTION	SHORT TITLE, CONTENTS, TSHL COMMITTEE	74TH LEGISLATURE ACTION STATUS/COMMENTS
15. (R-20)	<p><u>MEDICAID WAIVERS FOR ELDERLY IN-HOME CARE SERVICES</u> That health care reform measures be adopted to provide for Medicaid waivers for home care and all-inclusive preventive health services in order to reduce costs and maintain health of the elderly. (Health and Human Services)</p>	<p><u>HB 103 & SCR 55 Zaffirini:</u> Health Care Reform Bill that provides for medicare waiver to ensure that all medicaid recipients receive high quality, comprehensive health care service in the receipt of local community based and managed care - if the Commissioner obtains medicare waiver. Passed by the House and Senate and sent to the Governor.</p>

SOME OTHER BILL WE HELPED WITH

Date/5/31/95

HB 867	REP. MAXEY Automated system for providing reimbursement to nursing homes.	HB 867 Rep. Maxey PASSED
SB 436	SEN. MONCRIEF bill to regulate and to make sure ALZHEIMER PATIENTS receive proper treatment in nursing homes.	SB 436 Sen. Moncrief PASSED
HB 2704	REP. NAISHTAT Requiring a criminal back ground on Nursing home employees & applicants for emplyment	
SB 1212	Sen. Ellis Relating to venue, notice, & attorney General participation in proceeding involving charitable trust.	PASSED
HB 1053	Rep. Raymond & Naishtat related to funding for victims of family violence.	HB 1053 Rep Raymond Passed
HB 867	Rep Maxey Automated system for providing reimbursements to nursing homes under State Medicaid program.	HB 867 Rep Maxey Passed
HB 9711	Rep Todd Hunter Relating to health care claims. Making it much harder to sue some one for malpractice.	HB 971. Rep Todd Hunter Passed

OTHER TSHL RESOLUTIONS

Date/5/31/95

R-35	REINSTATE THE HOMESTEAD EXEMPTION ON SCHOOL TAXES To reinstate the homestead exemption for citizens of Texas 65 years of age, exemption of \$ 10,000 of valuation from taxation in school districts. Tom Perkins Chairman Retirement and Aging.	
R-4	PUNISHMENT FOR THIEF COMMITTED AGAINST THE ELDERLY An act relating to punishment of theft committed against elderly individuals. Bill Robertson Chairman Criminal Justice.	HB 145 Rep. Bob Turner FAILED
	ADULT FOSTER CARE HOME SETTINGS. Care home setting which is not required under State or Federal Statute to meet any standard sanitation. Training on the care of patients and especially those with Alzheimer .	Sen. Harris SB 1059 Passed

AGENDA

5th Texas Silver-Haired Legislature General Session MO-Ranch

Tuesday, September 5, 1995

5:00 - 6:00 PM (NLT) Registration
6:00 - 7:00 Dinner

Wednesday, September 6, 1995

7:30 - 8:30 AM Breakfast
9:00 - 9:30 General Assembly - Homer Lear
Invocation
Pledge
9:30 - 11:00 Group Meeting(s)
12:00 - 1:00 Lunch
1:00 - 4:30 Group Meeting(s)
6:00 - 7:00 Dinner
7:00 - ? Socialize

Thursday, September 7, 1995

7:30 - 8:30 AM Breakfast
9:00 - 9:30 General Assembly - Homer Lear
9:30 - 11:00 Homestead Act - Edward S.
11:00 - 12:00 Teachers Retirement - Gibson
12:00 - 1:00 Lunch
1:15 - 2:15 Budget - McDaniels
2:15 - 3:30 Issue Committee Meeting(s)
6:00 - 7:00 Dinner
7:00 - ? Socialize

Friday, September 8, 1995

7:30 - 8:30 AM Breakfast
9:00 - 9:30 General Assembly - Homer Lear
9:30 - 12:00 Fundraising - Jesse Coffey
12:00 Return Home

Thy. Street,
G. Dallas