

**RESOLUTION**

**Increase Funding for Rural and Small Urban Transportation**

A RESOLUTION TO: Increase funding for rural and small urban public transportation systems in Texas.

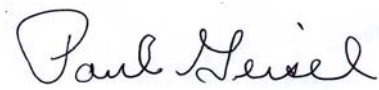
WHEREAS, The elderly Texans who live in small cities and rural areas of the state have insufficient public transportation options and resources, living on fixed incomes, and having limited access to medical facilities that are often times in excess of 100 miles away from their homes. Elderly Texans that depend on public transportation wish to continue living independently and to maintain an improved quality of life in the communities they call home; and

WHEREAS, From May 2000 to May 2008 the price of retail gasoline has increased 140%, inflation has increased by 25%, minimum wage has increased 27%, and state funding for public transportation in Texas has increased by only 2%; and

WHEREAS, According to the Sunset Advisory Commission Staff Report on the Texas Department of Transportation, less than 1% (only 0.72%) of the FY 2007 TXDOT Expenditures by Goal and Strategy is for public transportation, and a funding needs survey conducted by the Texas Transit Association determined that the small urban and rural transit agencies require a state funding amount of at least \$50 million per year to adequately match federal funding and meet the increased demand of public transportation in their communities; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature provide \$50 million per year to rural and small urban transit systems to ensure adequate access, and improved quality of life for elderly Texans.

PASSED AND APPROVED on September 8, 2008, by the Rural-Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jerry W. Pybus

No. R2

Committee: Criminal Justice

**RESOLUTION**

**Make the Theft of Veteran Grave Markers a Felony**

A RESOLUTION TO: Make the theft of a grave marker a felony, including jail time.

WHEREAS, In the past five years there has been a disturbing trend of bronze and cast iron veterans' grave markers (American Revolutionary War, War of 1812, Mexican War, American Civil War, Spanish American War, World War I, World War II {especially "Ruptured Ducks"}, Korean War, Viet Nam War, and the Gulf Wars) disappearing; and

WHEREAS, These stolen markers are ending up at military and gun show tables to be sold for easy money; and

WHEREAS, Stolen markers are ending up in the hands of metal recyclers; and during 2007, police made arrest of people who stole, received or sold veterans' grave markers in Kentucky, Pennsylvania, Missouri, Indiana, New York, Tennessee and Arkansas with charges that included institutional vandalism, conspiracy, theft, receiving stolen property, desecration or sale of venerated objects and criminal mischief; and

WHEREAS, The New York State Police in Auburn consider the theft a felony, resulting in jail time; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to make the theft of a grave marker a felony, with jail time, in protecting the honor of our soldiers who have passed.

PASSED AND APPROVED on September 8, 2008, by the Criminal Justice Committee.



Elsie Whiteside, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jetta Roberts

No. R3

Committee: Insurance

**RESOLUTION**

**Require Insurance Firms to Report Canceled or Expired Liability Auto Insurance to DPS**

A RESOLUTION TO: To require insurance firms to report canceled or expired liability auto insurance to the Department of Public Safety (DPS).

WHEREAS, The mandatory law was instituted in 1981 was supposed to lower the cost of coverage that protects policyholders from losses caused by uninsured motorists, but the cost has increased by more than 65 percent in most of Texas according to State Guidelines for insurance; and

WHEREAS, When an accident occurs with an uninsured motorist, the insured individual has to pay their deductible using their own insurance which causes an increase of their premium. This becomes costly to those who are low income earners and those on a fixed income. Those who obey the law are being penalized financially for those who do not; and

WHEREAS, To renew a driver's license, vehicle registration or auto insurance, one must show proof of insurance, but there are some consumers buying insurance, then canceling it or not continuing to pay the premiums; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend the 81<sup>st</sup> Legislature pass legislation to curtail insurance fraud by requiring insurance firms to report to the Department of Public Safety when a policy is canceled or expired.

PASSED AND APPROVED on September 8, 2008, by the Insurance Committee.



A. G. Hinojosa, Sr., Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jetta Roberts

No. R4

Committee: Criminal Justice

**RESOLUTION**

**To Protect Texas Senior Citizens from Exploitation through Undue Influence**

A RESOLUTION TO: Protect senior citizens from exploitation through undue influence.

WHEREAS, The population of age 65+ is the fastest growing age group in America and by 2030 people over age 65 will triple to over 70 million, many of whom will be victims of financial exploitation through undue influence; and

WHEREAS, A form of elder abuse is financial exploitation by undue influence which generally occurs when the victim is incapacitated by cognitive impairment, physical or mental illness or some other vulnerability such as recent bereavement. Undue influence is usually accompanied by fraud or duress by the perpetrator, generally someone in a position of trust or authority, who seeks financial gain at the expense of the victim; and

WHEREAS, Texas law currently does not recognize undue influence as a form of exploitation. The term "undue influence" has no precise criminal or medical definition; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Legislature create a definition of undue influence, and protect elderly victims from financial exploitation by undue influence by and through the criminal justice system as well as entitlement to civil legal remedies in Texas law.

PASSED AND APPROVED on September 8, 2008, by the Criminal Justice Committee.



Elsie Whiteside, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

**RESOLUTION**

**Pass Uniform Adult Guardianship Protective Proceedings Jurisdiction Act**

A RESOLUTION TO: Support the passage of the Uniform Adult Guardianship Protective Proceedings Jurisdiction Act (UAGPPJA) to protect incapacitated seniors from extravagant legal costs currently involved in determining the best state to settle a guardianship contest and in transferring guardianships from one state to another to allow incapacitated seniors to live in the state of their choosing and where they will receive the best care.

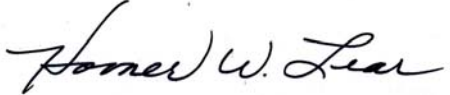
WHEREAS, Many Seniors live in Texas which is their "home state," but they own vacation properties or have relatives living in other states which are known as "significant connection states;" but a senior may become incapacitated and need a guardian and may not have a willing or suitable relative to be appointed as guardian in Texas or may have relatives in various states who engage in a guardianship contest involving multiple states which effectively depletes the assets of the incapacitated senior; and

WHEREAS, Currently, an adult guardianship initiated in Texas is not recognized in another state where the adult may need medical treatment and the guardianship cannot be efficiently transferred to other states, nor can a guardianship created in another state be efficiently transferred into Texas; and


WHEREAS, The National Conference of Commissioners for Uniform State Laws has drafted UAGPPJA to address guardianship issues involving problems of multiple jurisdictions, transfers and out-of-state recognition and enforcement of guardianship orders. Passage of UAGPPJA in Texas and other states will resolve these problems by giving Texas courts specific criteria and authority to make these important decisions involving Texas Seniors who are incapacitated; now therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature approves the passage of the Uniform Adult Guardianship Protective Proceedings Jurisdiction Act.


PASSED AND APPROVED on September 8, 2008, by the State Affairs Committee.

  
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Homer W. Lear, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.

  
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Walter C. Graham, Speaker

ATTEST:

  
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Pat J. Porter, Secretary

Committee: Insurance

**RESOLUTION**

**Regulate the business activities of Pharmacy Benefit Managers**

A RESOLUTION TO: Protect the health and welfare of Texas citizens by regulating the business activities of Prescription Benefit Managers (PBMs).

WHEREAS, The Medicare Prescription Drug legislation recently adopted by Congress has placed the unregulated PBM industry in complete charge of administering the Medicare prescription drug program for Medicare patients; and

WHEREAS, The fact that the various PBMs are presently faced with more than a dozen class action lawsuits by plan sponsors and patients (*for allegedly failing to exercise proper fiduciary responsibility in administering the prescription drug plans under their charge*) clearly demonstrates that the PBM industry needs to be regulated; and

WHEREAS, Many PBMs engage not only in the financial administration of such programs, but also involve themselves in altering drug therapy, drug utilization review (DUR), and other activities which are normally within the purview of physicians and pharmacists who are properly regulated by state agencies; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature adopt legislation which would properly authorize the Texas State Board of Insurance and the Texas State Board of Pharmacy to regulate the Pharmacy Benefits Managers which do business within the state of Texas.

PASSED AND APPROVED on September 8, 2008, by the Insurance Committee.



A. G. Hinojosa, Sr., Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Oscar Garcia

No. R7

Committee: State Affairs

**RESOLUTION**

**To require state court judicial review of final administrative decisions re TANF recipients**

A RESOLUTION TO: Enact in Texas State Court judicial review of final administrative decisions regarding Temporary Assistance for Needy Families (TANF).

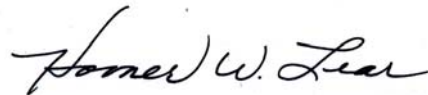
WHEREAS, The United States Supreme Court in 1970 in the case of Goldberg v. Kelly, referred to the "brutal need" that individuals have for services such as Temporary Assistance for Needy Families; and

WHEREAS, The Texas Administrative Procedure Act generally permits persons who have exhausted administrative procedures to have state court judicial review of the final administrative decision, but Texas Government Code 2001.223(1) explicitly exempts those cases involving Temporary Assistance for Needy Families -- cases involving very modest yet life-sustaining support -- from state court judicial review; and

WHEREAS, Texas' peer states do permit state court judicial review of final administrative decisions concerning Temporary Assistance for Needy Families, and laws governing federal cash benefit programs, including Social Security, and Supplemental Security Income all permit citizens to secure independent review by the judiciary when benefits have been improperly denied; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature recommend that the 81<sup>st</sup> Texas Legislature enact into law state court judicial review of final administrative decisions regarding Temporary Assistance for Needy Families in the same manner as the 80<sup>th</sup> Texas Legislature enacted state court judicial review for food stamp and Medicaid final administrative decisions.

PASSED AND APPROVED on September 8, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Health & Human Resources

**RESOLUTION**

**Increase Medicaid rate to Equal Cost**

A RESOLUTION TO: Increase Medicaid Funding For Aging Texans.

WHEREAS, Medicaid rates in Texas, according to the state's cost report data, indicate that Texas is 20-30 percent below the actual cost of care. This number, according to the DADS LAR, "will continue to erode the quality of services." (DADS LAR 06-07, 314). According to the FY 06-07 DADS LAR, "provider rates did not keep pace with inflation during the FY 04-05 biennium. In fact institutional rates were decreased by 1.75% from FY 2003 levels...Failure to rebase and inflate rates will result in reduced quality or fewer consumers being served" (DADS LAR 06-07, 314); and

WHEREAS, Recent studies published in the Journal of Health Affairs (September/October 2004 pp. 243-252) indicate that "quality of nursing home care may suffer if budget shortfalls force legislatures to freeze or reduce Medicaid rates" (Grabowski, 243). The Journal of Health Affairs study found that "greater Medicaid investment translates into better quality across two quite different domains of quality" (Grabowski, 249); and

WHEREAS, Texas ranks 49<sup>th</sup> in the country in our amount of funding the state provides for aging services in long term care; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81st Texas Legislature supports a Medicaid rate for aging Texans that is at least equal to the costs reported to the state by long term care providers.

PASSED AND APPROVED on September 8, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary



By: Betty Streckfuss

No. R9

Committee: Criminal Justice

**RESOLUTION**

**Clearly Identify Convicted Sexual Predators Who are Nursing Home Residents**

A RESOLUTION TO: Clearly identify the name and room or apartment number of Convicted Sexual Predators who become Residents in Shared Dwellings with others who are vulnerable to abuse of any sort by posting in a public area.

WHEREAS, Texas State Law passed in 1995, called Ashley's Law, requires name, phone number, Social Security number, driver's license number, and location by street address and zip code of sexual predators and others convicted of a crime of sexual harm to others, be published as Public Knowledge; and

WHEREAS, The most vulnerable population is the elderly living in facilities, along with visiting family and friends and minor relatives, that are placed in close proximity to possible harm of predatory nature, but are often unaware of the address or zip code of their place of residence and require more specific information related to criminal residents of the same facility in which they dwell; and

WHEREAS, Such convicted individuals are known recidivists who continue, into their very senior years, acts of Sexual Aggression and Perversion against others and can be lost in the obscurity and anonymity offered by institutional dwelling; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature, in order to protect vulnerable residents and any visitors, require the name of a convicted predator, place of residence, street address, and room number be noted for public information in that place of residence and posted in a place accessible to visitors and prospective residents.

PASSED AND APPROVED on September 8, 2008, by the Criminal Justice Committee.



Elsie Whiteside, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Rural-Urban

**RESOLUTION**

**Encourage Congress to Increase tax deduction for volunteers**

A RESOLUTION TO: Increase the tax deduction for volunteers using their personal vehicles for charitable activities including Meals on Wheels and other home delivered meals service providers.

WHEREAS, 58% of Texas and national local home delivered meals service organizations have lost volunteers because of increasing gas prices, and a large percentage of home delivered service organizations are turning away needy clients and/or reducing the frequency of deliveries; and

WHEREAS, This service is often the only meal and visitation that many seniors receive; and

WHEREAS, The Internal Revenue Service can raise deductions for businesses without Congressional approval, but that is not the case for charitable organizations. The last time Congress raised the tax deduction for volunteers who drive their own vehicles for charities, from \$ .12 to \$ .14 a mile, was in 1998; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urges the 81<sup>st</sup> Texas Legislature to encourage the Federal Government to increase the reimbursement levels to adhere to the federal rate for volunteer charitable organizations such as Meals on Wheels.

PASSED AND APPROVED on September 8, 2008, by the Rural-Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Robert Fitzgerald

No. R11

Committee: State Affairs

**RESOLUTION**

**To correct the misuse of Eminent Domain power and not allow private property to be taken to benefit another private owner.**

A RESOLUTION TO: To correct the misuse of Eminent Domain power and not allow private property to be taken to benefit another private owner.

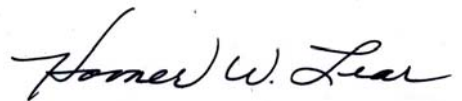
WHEREAS, The use of and interpretation of eminent domain power has greatly increased in recent years; and

WHEREAS, The United States Supreme Court, in rendering its decision on Kelo vs. City of New London, also noted that individual states may decline to grant eminent domain power to private companies where it would not benefit the public good, or where the state would not maintain the ability to guarantee public use; and

WHEREAS, The Texas legislature enacted HB 2006, a law that only partially protects Texas senior citizens private property from eminent domain misuse; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to amend HB 2006 so that Texas senior citizens' private property cannot be taken from them by private enterprises such as private railroads, private land or real estate companies, or any private enterprise that would deny the state the ability to guarantee a public use or which would only benefit the private company and not the general public.

PASSED AND APPROVED on September 8, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: State Affairs

**RESOLUTION**

**To allow grandparent caregivers to enroll grandchildren in school, to provide consent to medical treatment, and be provided access to State programs for grandchildren**

A RESOLUTION TO: Support programs concerning grandparents caring for grandchildren.

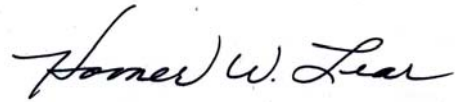
WHEREAS, There has been over a thirty per cent (30%) increase in the number of grandparents caring for over 4.5 million grandchildren under 18 years of age as primary care-givers, due to neglect, divorce, imprisonment, abuse or abandonment; and

WHEREAS, The demands of these children can lead to physical, emotional, and financial problems for the grandparents, with twenty per cent (20%) of the children living in poverty and economic hardship; and

WHEREAS, These grandparents save taxpayers an estimated \$6.5 million per year; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature requests the 81<sup>st</sup> Texas Legislature to encourage the Departments of Education and Health and Human Services to allow a grandparent care-giver not having legal custody or guardianship to be able to submit affidavits to enroll a child in school, to consent to medical treatment on the child's behalf, and that, with the proper documentation, the care-giving grandparents be provided access to State programs such as housing, medical care, and legal, educational, and counseling support for the grandchildren.

PASSED AND APPROVED on September 8, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: James T. Hubert, Jr.

No. R13

Committee: Rural-Urban

**RESOLUTION**

**Reinstate free fishing and hunting license for seniors 65 and older**

(Texas Administrative Code; Title 31; Chapter 53; Sub-chapter A; Division 1; Rule 53.3)

A RESOLUTION TO: Reinstate the privilege granted to Texas senior citizens 65 years of age and older, to hold a free fishing and hunting license.

WHEREAS, The State of Texas recognized the value of its senior residents and honored them with a special privilege to have a fishing and hunting license free of charge; and

WHEREAS, The Texas State Legislators amended this law which previously allowed senior citizens, that are Texas residents, born on or before September 1, 1930, to receive a free fishing and hunting license, and then later altered the original legislation, which has lessened the honor; and

WHEREAS, Current law requires senior citizens, that are residents of Texas, born September 2, 1930 or after, a discounted amount from the cost of these licenses, but is no longer free; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature repeal the restrictive legislation and return to the original privilege which allows senior residents of Texas at age 65 years and older to have fishing and hunting licenses free of charge.

PASSED AND APPROVED on September 8, 2008, by the Rural-Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Oscar Garcia

No. R14

Committee: State Affairs

**RESOLUTION**

**Cap Annual Property Valuation Increases at 5%**

A RESOLUTION TO: Restore the ability of taxing entities to be responsive to their constituents.

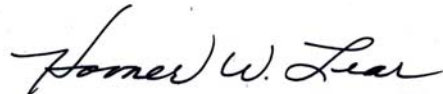
WHEREAS, For more than a decade we have had "taxation by valuation" since Appraisal Districts by law can revalue homestead properties by as much as 10% per year resulting in properties doubling in value every 7.2 years; and

WHEREAS, When values are raised, taxing entities automatically receive increases in tax revenues without the need to adjust the "tax rate" and avoid having to answer to the voters for raising taxes; and

WHEREAS, All voters, especially seniors on fixed incomes, are already carrying an excessive burden of property taxes; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature pass legislation to lower the cap from 10% to no more than 5% per year for the legal increase in valuations.

PASSED AND APPROVED on September 8, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Retirement & Aging

**RESOLUTION**

**Require In-home Care companies to provide full disclosure**

A RESOLUTION TO: Enhance consumer and worker protection for In-home Care in Texas.

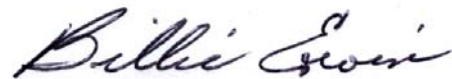
WHEREAS, The number of consumers and in-home caregivers continue to grow in the State of Texas without resulting and specific protections to the In-home Care consumer and worker; and

WHEREAS, The need for such services has resulted in consumers hiring workers, for example, from registries and companies that do not employ or supervise their workers, merely placing them into home care settings... resulting in unfortunate situations for seniors, families, and home care workers; and

WHEREAS, The resulting liabilities affecting the consumer and caregiver include: payroll taxes; confusion regarding employer-employee relationship; worker-related injury; as well as possible worker-related abuse and exploitation - with registries and independent contractor agencies that want to avoid being considered the employer and may provide inadequate or no background investigations on their caregivers, and because of IRS regulations, registries and independent contractors cannot provide any substantive work supervision, scheduling, or training to workers in home care without becoming an employer; now, therefore be it,

RESOLVED, That the 81<sup>st</sup> Texas Legislature immediately require In-home Care companies to provide full disclosure regarding taxes, worker-related injury, the nature of the employer-employee relationship, and any risk or liabilities faced by the consumer of In-home Care services.

PASSED AND APPROVED on September 8, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Insurance

**RESOLUTION**

**Reform Homeowners Insurance**

A RESOLUTION TO: Bring about true insurance reform and to deliver meaningful insurance rate relief to seniors in Texas.

WHEREAS, The Texas Department of Insurance determined that homeowners insurance companies overcharged Texas policyholders and ordered rate reductions that have been slow in coming due to length, costly legal challenges and contingent, phased-in settlements with the department; and

WHEREAS, Texas homeowners insurance companies are enjoying exceptionally low loss ratios, leading to concern that Texas policyholders continue to pay excessive premiums as these companies pocket excessive profits; and

WHEREAS, Legislature intent has not been fully implemented with respect to capping the effect credit scoring has on homeowner's insurance rates; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature

- Strengthen statutory penalties for insurance companies that overcharge their policyholders;
- Require periodic review of insurance rates to determine if they are unjustified and excessive and if rate reductions are in order;
- Pass an industry-wide cap limiting the effect of credit scoring on homeowners and personal automobile insurance rates at no more than 8%;
- Require disclosure in layman's terms of actual coverage being offered; and
- Prohibit carriers from inserting "right-of-rescission" clause, except for non-payment of premiums.

PASSED AND APPROVED on September 8, 2008, by the Insurance Committee.



A. G. Hinojosa, Chairman

PASSED AND APPROVED on September 9, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary



By: Robert Fitzgerald

No. R17

Committee: Utilities & Natural Resources

**RESOLUTION**

**To provide for improved water quality protection**

A RESOLUTION TO: Allow TCEQ authority to prohibit industrial pollution of recharge and contributing zones.

WHEREAS, The senior citizens, as well as other segments of the population, are rapidly increasing in number, and these population increases affect water resources, making them not only more valuable, but also more susceptible to pollution; and

WHEREAS, Texas' water resources including aquifers and rivers vary depending upon climatic conditions, and it is critical that Texas' water resources and aquifers be preserved and protected as much as possible from pollution; and

WHEREAS, One function of Texas' Commission on Environmental Quality (TCEQ) is to preserve water quality, but TCEQ does not currently have authority to adequately carry out this mission; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to grant additional authority to the TCEQ to prohibit any industry whose location, activity, production, or discharge would increase the probability of pollution of Texas recharge and contributing zones of aquifers or rivers, including but not limited to aggregate mining, toxic chemical production, wastewater treatment plants, and dense real estate developments with greater than ten percent impervious cover over recharge zones.

PASSED AND APPROVED on September 8, 2008, by the Utilities & Natural Resources Committee.

  
C. J. "Jim" Brisbin, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: C. J. "Jim" Brisbin

No. R18

Committee: Utilities & Natural Resources

**RESOLUTION**

**Holding in Trust Water under State Owned Land**

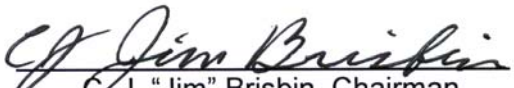
A RESOLUTION TO: Secure water under state owned land for use by the citizens of Texas.

WHEREAS, The water under state owned land rightfully belongs to the citizens of the State of Texas; and

WHEREAS, The leasing of water rights under state owned land to private companies for resale to the public would increase the cost of water to the public of which many are senior citizens who can not afford to pay the additional cost for water that this operation would require; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge and strongly recommend that the 81<sup>st</sup> Texas Legislature take all necessary action to encourage conservation and prevent price abuse and pollution, and hold this state land for the use of city and county water systems.

PASSED AND APPROVED on September 10, 2008, by the Utilities and Natural Resources Committee

  
C. J. "Jim" Brisbin, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: C. Bruce Davis

No. R19

Committee: Criminal Justice

**RESOLUTION**

**Provide Immunity for EMS and Law Enforcement Personnel When Assisting APS Workers**

A RESOLUTION TO: Allow Emergency Medical Services (EMS) and Law Enforcement Personnel to assist Adult Protective Services (APS) workers in removing a client from life-threatening situations, and providing immunity for these personnel from threats of lawsuits, even when they act without a court order to do so.

WHEREAS, APS Caseworkers must often remove a person from a life-threatening situation, even when it is against the client's will, and APS currently has the statutory authority under HRC Chapter 48 to remove these individuals from a hazardous environment; and

WHEREAS, APS Caseworkers frequently face resistance from the abuser or the client, or both, during the removal process, and APS Caseworkers frequently need the assistance of EMS or Law Enforcement personnel to move clients to safer surroundings; and

WHEREAS, EMS or Law Enforcement personnel are often hesitant to assist APS when the removal takes place after 5pm and when there is no court order for the removal, but a delay in the removal of a client at times can create even greater danger and even become life-threatening; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to clarify in the Texas Resource Code, Section 48.208, that law enforcement and EMS may assist APS in removal, even when no court order has yet been written, and provide them with immunity.

PASSED AND APPROVED on September 9, 2008, by the Criminal Justice Committee.



Elsie Whiteside, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Retirement & Aging

**RESOLUTION**

**Recommend passage of the Arthritis Prevention, Control, and Cure Act**

A RESOLUTION TO: Develop Awareness of the Arthritis Prevention, Control, and Cure Act.

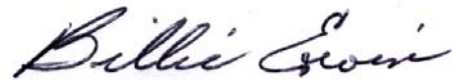
WHEREAS, There are 46 million people who have been diagnosed with arthritis. By 2030 an estimated 62 million adults will be suffering with this disabling disease. The Arthritis Prevention, Control, and Cure Act will allow early diagnosis and treatment; increase activities of self-management activities (Weight control, physical activity); form a committee to oversee federal funding for arthritis; and find a solution for shortage of pediatric rheumatologists (1,376 children have arthritis); and

WHEREAS, As arthritis problems grow, funds to prevent and control these problems will be a very necessary priority. Support for an increase in state/federal funding at the Centers for Disease Control and Prevention (CDC) will expand the availability of arthritis programs, particularly important for seniors. Support for arthritis programs have decreased since 2002. If there is not an increase in money, 24 states will lose CDC support; and

WHEREAS, An increase in state/federal funding for arthritis research could lead to better arthritis treatments and cures such as life-changing treatments like biological therapies alleviating inflammation and preventing disability; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature request the 81<sup>st</sup> Texas Legislature to support by resolution the passage of the Arthritis Prevention, Control, and Cure Act.

PASSED AND APPROVED on September 9, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Health & Human Resources

**RESOLUTION**

**Reduce and Report Infections Contracted by Senior Citizens in Hospitals**

A RESOLUTION: Designed to reduce the unacceptable rate of bacterial infections annually contracted in hospitals by seniors who are there being treated for other problems.

WHEREAS, These are the current leading causes of death among U.S. senior citizens:

- |                            |               |                 |
|----------------------------|---------------|-----------------|
| 1) Heart Disease           | 5) Pneumonia  | 9) Nephritis    |
| 2) Cancer                  | 6) Diabetes   | 10) Alzheimer's |
| 3) Cerebrovascular Disease | 7) Accidents  |                 |
| 4) COPD                    | 8) Septicemia |                 |

with number 8, Septicemia, being another way to say BACTERIAL INFECTION; and

WHEREAS, Recent studies have revealed a growing infection rate in our hospitals, causing two million patients to contract bacterial infections each year and 90,000 of those die from these infections, most of them being senior citizens, and most of those infections being preventable; and

WHEREAS, No longer in the top ten list of senior citizen killers is death caused by contaminated foods and medicines, and that's because the Pure Food and Drug Act was adopted by the Federal Government more than 100 years ago, but there is no comparable concern and effort to curb the emergence of hospital infections as a major killer of senior citizens; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to enact legislation requiring all hospitals in Texas to publicly divulge quarterly each year the number of patients contracting bacterial infections while being treated for other reasons in that hospital, and report the number of patients who die from those infections.

PASSED AND APPROVED on September 9, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Linda H. Parrish

No. R22

Committee: Rural-Urban

**RESOLUTION**

**Review Process for State of Texas Deinstitutionalization**

A RESOLUTION TO: Return to the review process of the State Schools for people with intellectual disabilities for the purpose of continuing deinstitutionalization in the State of Texas.

WHEREAS, The population of these State Schools in Texas is aging with fewer families choosing to place their children in institutions; and

WHEREAS, Institutionalization is increasingly costly, limiting resources for community services. The State of Texas successfully closed two institutions in the mid-1990s with the task force review report recommending additional closures and/or consolidations to follow; and

WHEREAS, There has been a recent Department of Justice review that uncovered many injustices within our State School system and additional federal reviews are scheduled; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Legislature to pass legislation, similar to HB 7 of the 72<sup>nd</sup> Legislature, that created an independent Facilities Review Task Force with the purpose of determining the feasibility and future of the State's institutions.

PASSED AND APPROVED on September 9th, 2008, by the Rural - Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Health & Human Resources

**RESOLUTION**

**Legislation Concerning End of Life Decisions**

A RESOLUTION TO: Urge that changes in laws governing End of Life Decisions be designed foremost for the individuals most affected by those decisions, the senior citizens of Texas.

WHEREAS, End of Life Decisions are too often mired in conflicts between family members, caregivers, medical stakeholders, religious groups and others, while the person whose life is ending is either no longer capable of making those important decisions, or has previously expressed end of life preferences that are unclear or being overruled by the preferences or priorities of others; and

WHEREAS, The importance of each person reaching the end of his or her life with the greatest degree of tranquility and dignity attainable cannot be overstated; and reasonable, unambiguous end of life decisions made by that individual should take precedence over the conflicting interests of other interested parties; and

WHEREAS, When recommendations for changes to laws governing end of life decisions are made, the major determinant in shaping those laws should be views held by those most directly impacted, the senior citizens; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to enact laws governing End of Life Decisions, but in doing so, give high priority to the views of senior citizens in formulating such legislation.

PASSED AND APPROVED on September 9, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Betty Streckfuss, Paula Johnson,  
Jetta Roberts, and Bobby Southwood

No. R24

Committee Assigned: Education

**RESOLUTION**

**Mandatory Geriatric Curricula in Texas Schools of Health Care Education and Studies**

A RESOLUTION TO: Require integration of Geriatric competencies into the full range of health education with emphasis on the normal aging process during the first two years of Medical School before negative impressions have been experienced while caring for the more acutely ill or traumatically injured geriatric patient.

WHEREAS, The number of citizens over the age of 60 are increasing in comparison to practicing number of Geriatricians to such an extent that a small number of caregivers must absorb the impact of caring for those with frail physical stamina and complex diseases while agreeing to accept much lower reimbursement by Medicare/Medicaid; and

WHEREAS, Errors in care of seniors by inadequately trained, even disinterested health care workers, are more profound, long lasting, and more costly due to the frail physiology of seniors and their inability to recover and assume their own care; and

WHEREAS, Texas State Health Plan for the years 2005-2020 indicates an understanding of the resultant neglect or injury of frail seniors assessed by unqualified health care professionals, thus increasing physical problems and costs; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature join other voices across this country to urge the 81<sup>st</sup> Texas Legislature to join other State Legislatures in requiring Geriatric Education as a condition of initial licensure of Health Care Professionals.

PASSED AND APPROVED on September 9, 2008, by the Education Committee.



Lynn Crisp, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary



Committee: Health & Human Resources

**RESOLUTION**

**Add Licensed Professional Counselors to List to Assess Capacity to Consent**

A RESOLUTION TO: Add Licensed Professional Counselors (LPCs) to the list of professionals in the code that can assess capacity to consent in an emergency.

WHEREAS, Adult Protective Services (APS) caseworkers frequently encounter individuals who, due to certain physical, intellectual, or psychological limitations, appear to have impaired ability to recognize their problems, and, the APS caseworker will refer the client to individuals who are on an approved list of professionals who can determine whether or not the client lacks the capacity to consent; and

WHEREAS, The referral is usually made to a physician in these cases, but when a physician is not available, the list of approved professionals that can assess a client's capacity to consent includes psychologists, master's level social workers, advanced practice nurses, and physician assistants; and

WHEREAS, Some communities do not have these professionals available in or near where the client resides. Client safety is dependent upon the availability of professionals who can assess the need to file emergency orders to protect clients who lack the capacity to consent, and LPCs receive training in capacity assessment comparable to master's level social workers; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to modify the Human Resources Code, Chapter 48.208, C-3 with language that adds Licensed Professional Counselors to the list of approved professionals to assess capacity.

PASSED AND APPROVED on September 9, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jetta Roberts

No. R26

Committee: Health & Human Resources

**RESOLUTION**

**Increase Personal Needs Allowance**

A RESOLUTION TO: Increase the Personal Needs Allowance for Medicaid residents in nursing homes.

WHEREAS, Section 32.024(W) of the Texas Human Resources code sets a personal needs allowance of not less than \$60.00 (sixty dollars) a month for a Medicaid resident of a nursing home licensed under Chapter 242 Health and Safety Code; and

WHEREAS, In 2007, the personal needs allowance was set at not less than \$60.00 (sixty dollars) per month permanently under the statutory change. With the escalating costs of personal needs items \$60.00 (sixty dollars) is not adequate; and

WHEREAS, In the last legislative session, there were several Legislators who realized that the personal needs allowance should be increased to no less than \$75.00 (seventy five dollars) to meet the needs because of the escalating costs; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature pass legislation to establish by statute a level of no less than \$75.00 (seventy five dollars) a month for the personal needs allowance and make this issue a budget priority in the 81<sup>st</sup> Legislative Session.

PASSED AND APPROVED on September 10, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Rural - Urban

**RESOLUTION**

**Protect rights of the elderly in nursing homes**

A RESOLUTION TO: Stop nursing homes from denying the elderly the right to go to court.

WHEREAS, We trust nursing homes to make sure our elderly are in a safe environment where they eat their meals on time, receive their prescribed medications on schedule, and have attentive care; and

WHEREAS, Many of the elderly in nursing homes are neglected; and

WHEREAS, It is very important to our society that the health and welfare of the elderly who are in nursing homes have their rights fully protected; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to protect the rights of the elderly from nursing homes by strengthening current state laws and regulations related to senior citizen personal rights, in particular, the right to go to court, as well as encouraging, by Resolution, the federal government to do the same, particularly as it pertains to S 746, also known as the Regulatory Improvement Act of 1999.

PASSED AND APPROVED on September 9, 2008, by the Rural-Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Health & Human Resources

**RESOLUTION**

**Ensure patients receive full disclosure when physicians or the prescriber receive financial compensation for substituting or changing medications for patients.**

A RESOLUTION TO: Ensure patients receive full disclosure when physicians or the prescriber receive financial compensation for substituting or changing medications for patients.

WHEREAS, Insurance companies across the United States often encourage physicians or other prescriber and patients to switch prescribed medications to a generic drug based on cost considerations, but too often may be motivated to switch medications in response to financial incentives, which could dilute appropriate regard for the best treatment option for the patient; and

WHEREAS, Although FDA-approved generics are safe and effective and often provide cost savings for patients, the doctor-patient relationship relies on an honest and transparent exchange of information. A serious violation of the doctor/patient relationship and a threat to their well-being may occur to which patients may justifiably object if undisclosed financial incentives influence which medications are prescribed for them; and

WHEREAS, The 12<sup>th</sup> Texas Silver-Haired Legislature, along with many other advocacy organizations and legislators, recognizes that all patients, especially senior patients, should be entitled to full disclosure by their prescriber if and when that prescriber could receive added financial compensation, directly or indirectly, for changing or substituting medication for that patient; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage the 81<sup>st</sup> Texas Legislature to enact laws that ensure patients (or their guardians) receive full disclosure when prescribers are to receive financial compensation, directly or indirectly, for substituting or changing medications for that patient.

PASSED AND APPROVED on September 8, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Utilities & Natural Resources

**RESOLUTION**

**Relating to the Reinstatement of the System Benefit Fund**

A RESOLUTION TO: Reinstatement and broaden eligibility for the System Benefit Fund to assure that "Lite Up Texas" collections from electric consumers are expended for their statutory purpose.

WHEREAS, None of the proposed legislative bills from the last Texas legislative session passed which would have prevented these non-bypassable fees in Texas electric bills from being diverted by the Legislature to other programs; and

WHEREAS, Older Texans on fixed income find their resources dwindling very quickly with the cost of utilities, prescription drugs, health care, rent and food sky rocketing, in some cases forcing upon them the unhealthy choice of going without air conditioning in the midst of summer heat waves; and

WHEREAS, Rising energy costs have created a financial hardship on non-profit nursing homes, heavily weighted with Medicaid accounts, to keep their residents cool during summer months; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to amend Section 39.903 of the Utilities Code to guarantee that the System Benefit Fund, as an account in the general revenue fund, be appropriated solely for its expressed, statutory purpose of helping poor and elderly; that non-profit nursing homes be included as eligible to apply for Fund assistance, so long as at least half of their residents are Medicaid eligible; and that utility providers who are not in compliance with System Benefit Fund programs be prohibited from collecting "Lite Up Texas" fees until reinstated by the Public Utilities Commission of Texas.

PASSED AND APPROVED on September 10, 2008, by the Utilities & Natural Resources Committee.

  
J. J. "Jim" Brisbin, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Alan Abraham

No. R30

Committee: Retirement & Aging

**RESOLUTION**

**Expand service directories by adding a “Grandparents Raising Grandchildren” category**

A RESOLUTION TO: List “Grandparents Raising Grandchildren” as a separate category of services available in non-profit service directories, in publicly sponsored hotline lists and call center registries, and where appropriate, in service guides for state government agencies.

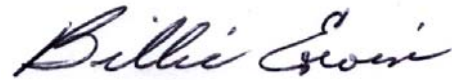
WHEREAS, In Texas, 257,000 grandparents report they are primary care givers for the grandchildren who live with them, 7.6% of all children in the state; and of those households headed by a grandparent, 21% live in poverty; and

WHEREAS, This senior population is increasing in numbers each year because of substance abuse, neglect, family violence, incarceration, death, illness and/or disability of an adult child, casting more and more grandparents into the unexpected role of being the primary providers and caregivers of their grandchild(ren); and

WHEREAS, It is essential that the task of locating suitable resources be as stigma-free as possible and centered on their felt needs as grandparents raising grandchildren, because this age-group of caregivers is especially reticent to look beyond their family group for assistance, as verified in a Swann and Sylvester (2006) report; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature strongly recommends that the 81<sup>st</sup> Texas Legislature require its agencies and service outlets to expand their lists, menus and indices by adding, where appropriate, “Grandparents Raising Grandchildren” as a separate category of available services.

PASSED AND APPROVED on September 10, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired legislature



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: C. Bruce Davis

No. R31

Committee: Human Services

**RESOLUTION**

**Affordable Assisted Living Housing For Seniors**

A RESOLUTION TO: Require the Texas Department of Housing and Community Affairs to include services (i.e. housekeeping and meals) in their point system for awarding Tax Credit Dollars for senior adult housing.

WHEREAS, There is a tremendous need in Texas for affordable housing for the elderly with assisted services like housekeeping and meals, but the current prices charged by many Assisted Living Facilities is out of reach of many poor older persons; and

WHEREAS, The Texas Department of Housing and Community Affairs administers the Federal Tax Credit Dollars for the construction of affordable housing in our state; and

WHEREAS, The Texas Department of Housing and Community Affairs does not have in its "point rating system" of proposed projects any incentive favoring builders who arrange for services needed by frail, elderly seniors like housekeeping or food services; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the Department of Housing and Community Affairs to immediately amend its "point rating system" for proposed elderly housing projects to favor projects that arrange for basic services (like housekeeping and meals) needed by the frail, elderly adults of Texas.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Betty Streckfuss, Paula Johnson,  
and Bobby Southwood  
Committee: Health & Human Resources

No. R32

**RESOLUTION**  
**Partial Loan Forgiveness for Medical Students Completing Geriatric Residency**

A RESOLUTION TO: Forgive at least one-half the state loan incurred by a new graduate of a Medical School in the State of Texas who completes a program for Geriatric Residency and Enters into Contract to Practice in the Field of Geriatrics for a period of at least five years.

WHEREAS, The debt incurred by a Medical Student in the State of Texas is of such magnitude that a young medical professional looks toward entrance into a residency program in one of the Specialties in which ability to capture larger fees of reimbursement from patients and insurance providers other than that which is paid by Medicaid for the treatment and care of those citizens over 65 years of age known as the Geriatric Population; and

WHEREAS, That population of seniors are the most underserved and yet least able to pay large medical costs for a complicated, confusing array of symptoms known as "Aging"; and

WHEREAS, That very population of medical needy are complicated and misdiagnosed to such an extent by physicians unprepared, disinterested and unaware of the complications and overlapping problems of aging, resulting in unnecessary hospitalization, lasting physical impairment, extreme financial burden to the individual and the Government Insurance Program, unnecessary pain, suffering and even untimely death; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81st Texas Legislature, in order to encourage entrance of more physicians into preparation for Geriatric Service and the Practice of Medicine devoted to Seniors, place into law a method of loan forgiveness of at least up to one-half the amount owed in tuition, books, housing, loans and other education-related expenses for a new graduate of a Medical School in the State of Texas who completes a program for Geriatric Residency and enters into contract to practice in Texas in the Field of Geriatrics for a minimum period of five years.

PASSED AND APPROVED on September 10, 2008, by the Health & Human Resources Committee.



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Sandra Graham, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



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Walter C. Graham, Speaker

ATTEST:



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Pat J. Porter, Secretary



Committee: State Affairs

**RESOLUTION**

**Legislative Committee on Aging**

A RESOLUTION TO: Establish a Legislative Committee on Aging to address the aging population and the issues Texas will face in the next ten to thirty years.

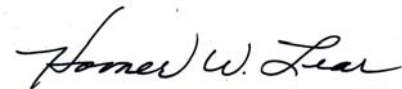
WHEREAS, The Texas Legislature first recognized this population in 1957 with the establishment of the Committee on Aging, which in 1965, became the Texas State Committee on Aging, known as the Governor's Committee on Aging, and evolved into the Texas Department on Aging in 1981 and the Texas Department of Aging and Disability Services in 2003, to consolidate the long term care system through the Medicaid and Medicare programs and aging services through the Area Agencies on Aging; and

WHEREAS, According to the Texas State Data Center, growth in the population 65 years of age is likely to be twice as rapid as that for the population as a whole because of increased longevity and the aging of the baby-boom generation. All racial/ethnic groups will show an aging in their populations and non-Anglos will account for a majority of the net growth in populations in all age groups; and

WHEREAS, Services for the aging are provided by numerous agencies, and there is not a standing legislative committee designated to address the full range of aging issues facing Texas in the next several years; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature establish a Legislative Committee on Aging to focus on issues to include, but not limited to, healthcare, transportation, housing, education, and workforce among the aging population in Texas, review recommendations for legislation proposed by Texas state agencies that provide services for older Texans, and recommend legislative action to be considered by the Texas Legislature.

PASSED AND APPROVED on September 10, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Rural - Urban

**RESOLUTION**

**Redistricting Reform using nonpartisan panels**

A RESOLUTION TO: Utilize nonpartisan panels to draw congressional districts according to data from the 2010 decennial census.

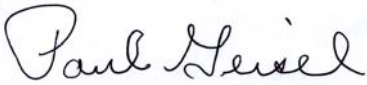
WHEREAS, Current Texas redistricting procedures create districts that discriminate against minorities, create unnatural and disjointed geographical boundaries, and do not allow representatives to truly represent their constituents; and

WHEREAS, Redistricting by the political parties in power institutionalize party-line voting and ensure that lawmakers do not face accountability which is demanded in our democracy; and


WHEREAS, When redistricting occurs at the pleasure of the parties in power, the political center shrinks, compromise (which is the very heart of democracy) is nearly impossible and independence of thought and action is lost; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature pass a joint resolution of the House and Senate calling for a Constitutional Amendment that creates nonpartisan panels to redistrict Congressional districts according to established guidelines using data gathered each decennial census.

PASSED AND APPROVED on September 8, 2008, by the Rural-Urban Committee.

  
Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.

  
Walter C. Graham, Speaker

ATTEST:

  
Pat J. Porter, Secretary

By: Barbara Pope

No. R35

Committee: Rural - Urban

**RESOLUTION**

**Approve a day to recognize rise in HIV/AIDS, especially in senior citizens**

A RESOLUTION TO: Request that Texas set aside a day to recognize the serious issue of the rise in HIV/AIDS.

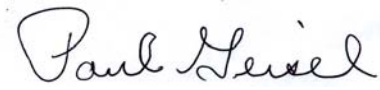
WHEREAS, HIV/AIDS is a global health crisis and a constant struggle for many of our families, friends, and neighbors, and we need to underscore the commitment to fight the HIV/AIDS pandemic with educational and awareness programs; and

WHEREAS, HIV/AIDS affects the entire population, and therefore increased education and awareness should be provided to the entire state. Over 60,000 Texans are currently living with HIV/AIDS, with more than 5,000 newly diagnosed HIV cases and 1,000 AIDS-related deaths in Texas each year; and

WHEREAS, Even though early testing is critical to preventing further spread of the disease and to getting life-saving medication and treatment, Texan seniors are getting tested too late (one in three Texans newly diagnosed with HIV, particularly older people who are newly diagnosed, has already progressed to AIDS) and older people with HIV/AIDS face a double stigma: ageism and infection with a sexually-or-IV-drug transmitted disease; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge and recommend that the 81<sup>st</sup> Texas Legislature pass legislation to approve a day to recognize this health crisis in Texas and commit to fight the AIDS pandemic with increased awareness and education throughout the State.

PASSED AND APPROVED on September 10, 2008, by the Rural - Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 10, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Katy Kappel

No. R36

Committee: Rural – Urban

**RESOLUTION**

**Expand Support for the Texercise Program**

A RESOLUTION TO: Support and Encourage Participation in Texercise.

WHEREAS, According to the Governor's Advisory Council on Physical Fitness "Regular physical activity reduces a person's risk of coronary disease, Type 2 diabetes, hypertension and colon cancer. It also helps control weight, reduces the symptoms of anxiety and depression and helps maintain healthy bones, muscles, and joints"; and

WHEREAS, Healthy seniors will enjoy life more and expend less time and money on medical care, thereby reducing Medicaid and Medicare costs; and

WHEREAS, The existing Texercise Program offers a reasonable and healthful program for all ages (Executive Order RP2, July 26, 2001); now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature provide funding for expanded outreach of the Texercise program to encourage those aged 50 and above to participate.

PASSED AND APPROVED on September 10, 2008, by the Rural - Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: A. G. "Pete" Hinojosa, Sr.

No. R37

Committee: Rural - Urban

**RESOLUTION**

**Require seatbelts and safety glass in charter buses**

A RESOLUTION TO: Require all charter buses to have seat belts for all seats; and must also have safety glass.

WHEREAS, Senior citizens frequently ride charter buses in and out of the state of Texas; and

WHEREAS, In recent months, a number of accidents have occurred causing death and injury to passengers in charter buses; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to pass legislation to protect seniors on charter buses by requiring seat belts in all seats and that safety glass be used in all windows and windshields.

PASSED AND APPROVED on September 10, 2008, by the Rural - Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jane Ratcliff, Gerardo Camacho, Betty Kildahl,  
Maurine Gross, and Charlyne Elliott

No. R38

Committee: Utilities and Natural Resources

**RESOLUTION**

**To provide funding and support transportation needs**

A RESOLUTION TO: Urge Legislature to support transportation needs for seniors  
(Maintain independence of seniors by improving availability of transportation).

WHEREAS, Seniors state that transportation is their #1 priority for successful aging, maintaining independence, and decreasing isolation which leads to depression; and

WHEREAS, Large numbers of those seniors who live in rural areas or poverty stricken urban areas and who are aware of available services but are unable to access them due to lack of transportation; and

WHEREAS, The Department of Health and Human Services and the Administration on Aging are responsible for providing services to the elderly; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature make it a part of a "No Elder Left Behind" initiative to provide funding and encourage Texas communities, agencies, and organizations to support the transportation needs of the elderly population of Texas.

PASSED AND APPROVED on September 8, 2008, by the Utilities & Natural Resources Committee.

  
J. J. "Jim" Brisbin, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Insurance

**RESOLUTION**

**High Cost of Home Owners Insurance**

A RESOLUTION TO: Address the High Cost of Home Owners' Insurance.

WHEREAS, The escalating cost of insurance in Texas, which already is one of the highest in the country, is forcing seniors to drop their coverage and abandon their homes; and

WHEREAS, Older adults are more likely to be on a fixed income and cannot afford the higher premiums, and if they lose their home this can cause the seniors to become a burden on the State's Welfare system; which adversely affects the quality, dignity, independence and health of seniors; and

WHEREAS, The Austin based 3<sup>rd</sup> Court of Appeals found that a provision in the State's 2003 Insurance Reform Law was unconstitutional because it did not protect the companies due process rights; therefore, restricting the Insurance Commissioner ability to control the high cost of home owners insurance; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature pass legislation to address this ruling by the 3<sup>rd</sup> Court of Appeals and require the Insurance Industry to cut rates by 12% as ordered by the Insurance Commissioner.

PASSED AND APPROVED on September 8, 2008, by the Insurance Committee.



A. G. Hinojosa, Sr., Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: John P Giovannini

No. R40

Committee: Insurance

**RESOLUTION**

**Request the State Insurance Commission to explore establishing a Texas comprehensive homeowners insurance program**

A RESOLUTION TO: Request the Texas Insurance Commission to explore creating a total coverage insurance plan for all persons now required to purchase separate policies for wind, flood and conventional homeowner coverage.

WHEREAS, A home is frequently the most significant asset seniors have; and

WHEREAS, The cost of separate coverage is significantly higher than that usually associated with combined risk coverage; and

WHEREAS, FEMA flood insurance has a maximum insured value of \$250,000 which frequently results in being significantly under insured; and the separate insurers frequently attempt to shift the responsibility for indemnification to the other insurers (as happened in Mississippi and Louisiana after Katrina), resulting in long delays or outright denial of claims; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to request the State Insurance Commission to explore creation of a Texas comprehensive homeowners insurance program including supplemental flood coverage for homeowners now required to carry separate Texas windstorm and/or FEMA flood insurance in addition to their regular homeowners insurance which excludes wind and water coverage.

PASSED AND APPROVED on September 10, 2008, by the Insurance Committee.



A . G. Hinojosa, Sr., Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary



Committee: Human Services

**RESOLUTION**

**Improve Wages for Personal and Home Care Aides**

A RESOLUTION TO: Enable recruitment and retention of a quality direct care workforce, by providing a living wage to caregivers to meet the needs of our most vulnerable senior citizens.

WHEREAS, By 2030, 17% of Texas' population of 65 or over will need the services of a personal care aide to provide care for needy, vulnerable, elderly, disabled and often, mentally impaired individuals with varying and diverse levels of mobility, health and mental acuity; and

WHEREAS, While the number of aides needed will increase 47% between 2000 and 2010, recruitment for these jobs is difficult because direct and personal caregivers are poorly compensated and under-appreciated, despite the importance, difficulty and demands of the variety of tasks performed with minimal supervision; and

WHEREAS, The job stress, lack of appreciation, and poor compensation cause high turnover of home care aides, adding to the anxiety and disruption of care of frail elderly citizens; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature increase funding for Medicaid long term care services to enable the wages of Personal and Health Care Aides to be paid at a competitive level, thereby attracting more and better qualified caregivers, decreasing turnover and improving care.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jetta Roberts

No. R42

Committee: Criminal Justice

**RESOLUTION**

**Background checks for employees of Nursing Homes**

A RESOLUTION TO: Forbid a Nursing facility to allow an employee to have contact with patients before a criminal background check is completed.

WHEREAS, It can take approximately four months to complete a criminal background check on a person because, perhaps, it is not considered a priority as it should be; and

WHEREAS, Allowing the person to be hired before the criminal background check is completed can put the nursing facility residents in danger or at risk of a sexual predator, theft, physical abuse, mental anguish and possible death; and

WHEREAS, These crimes of a serious nature to the residents in a nursing facility are occurring too often and can cause permanent damage; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend the 81<sup>st</sup> Texas Legislature pass legislation to require that a criminal background check be completed on each employee before they may have contact with any patient.

PASSED AND APPROVED on September 10, 2008, by the Criminal Justice Committee.



\_\_\_\_\_  
Elsie Whiteside, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



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Walter C. Graham, Speaker

ATTEST:



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Pat J. Porter, Secretary

Committee: Retirement & Aging

**RESOLUTION**

**Urge State to Declare Fall Prevention Awareness Week**

A RESOLUTION TO: Urge that the Texas Legislature declare the first week of fall each year as "Fall Prevention Awareness Week."

WHEREAS, It was projected that in 2008 1.14 million older Texans would fall; and the risk factors associated with falls increase with age, and approximately 20 to 30 percent of older adults who fall suffer moderate to severe injuries, resulting in almost 80,000 hospitalizations annually and constituting 40% of all nursing home placements; and

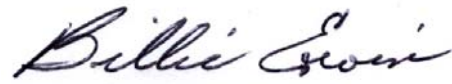
WHEREAS, In 2000, according to the CDC, the total direct cost of all fall related injuries for people 65 and older exceeded \$19 billion nationwide; and

WHEREAS, Research shows that a well-designed fall prevention program that includes risk factor assessments, a focused physical activity program, and improvement of the home environment can reduce falls 30 to 50 percent; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature

1. declare that the first week of fall each year is declared "Fall Prevention Awareness Week," engaging the private sector and state and local governments to promote policies and programs that help reduce the incidence and risks of falls among older adults; and
2. urge the Texas Department of Aging and Disability Services and the Area Agencies on Aging to incorporate fall prevention in their state and area plans.

PASSED AND APPROVED on September 10, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: State Affairs

**RESOLUTION**

**Put To a Vote of the People the establishment of Casinos**

A RESOLUTION TO: Allow Voters to decide whether well regulated casinos should be allowed to operate in Texas with the revenues accruing to the State.

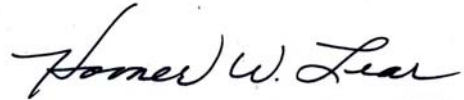
WHEREAS, In the exercise of its sovereignty, the state of Texas permits well regulated wagering on horses and dogs, and operates a lottery, and Texas can authorize the establishment and operation of well regulated casinos; and

WHEREAS, Each year Texans make over seventy million (70,000,000) trips to Louisiana and Oklahoma primarily for the purpose of patronizing casinos. Two out of three casino patrons in those states are Texans with a large percentage being seniors; and

WHEREAS, Well regulated casinos in Texas would allow for more travel safety and entertainment for seniors, provide additional employment opportunities and bring tourists from other states to play, dine, stay shop in Texas; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature put to a vote of the people the proposition to permit the establishment and operation of well regulated casinos in the State of Texas and that all qualified operators be allowed to participate including Native American organizations with revenues to supplement Medicaid.

PASSED AND APPROVED on September 10, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Maurice Osborn

No. R45

Committee: Human Services

**RESOLUTION**

**Proper Function of Texas Integrated Eligibility Redesign System (TIERS) Program**

A RESOLUTION TO: Ensure the TIERS Program functions properly.

WHEREAS, The current TIERS Program has caused delays and errors with eligibility applications; and

WHEREAS, There is current discussion on the legislative level regarding the proper way of updating the application process; and

WHEREAS, The Health and Human Services Commission has stated that it would add 953,000 elderly and disabled Medicaid patients to TIERS by September, 2009, on top of the 288,000 food stamp recipients it already plans to add by then, combined with the fact that only 15% of the 3.8 million Medicaid, food stamp and welfare recipients in the HHS system are on the TIERS system; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to ensure that the TIERS system functions properly before it is implemented state wide.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jim Endicott

No. R46

Committee: Education

**RESOLUTION**

**Make increases in the number of graduate medical education opportunities**

A RESOLUTION TO: Create More Graduate Medical Education Opportunities for Residencies and Fellowships in Texas.

WHEREAS, There are more Texas medical school graduates who earn the degree M.D. or D.O. than there are graduate medical education opportunities in Texas; and

WHEREAS, Whereas funding formulas at the federal and state level do not adequately fund graduate medical education programs; and

WHEREAS, Texas medical school graduates who must leave Texas for graduate medical education are likely not to return to Texas to practice medicine; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to make increases in the number of graduate medical education opportunities to graduates of Texas medical schools and graduates of other medical schools consistent with the medical needs of Texas senior citizens.

PASSED AND APPROVED on September 10, 2008, by the Education Committee.



Lynn Crisp, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Maurice Osborn

No. R47

Committee: Rural - Urban

## RESOLUTION

### Request Congress to oppose Windfall Tax on retirement income

A RESOLUTION TO: Oppose a Windfall Tax on Retirement Income.

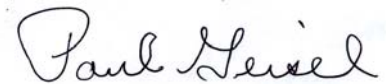
WHEREAS, Many senior citizens are on a fixed income with little room to adjust for unexpected expenses; and

WHEREAS, The citizens of our country already carry an excessive tax burden; and

WHEREAS, There is currently discussion in Congress to consider applying a Windfall Tax on retirement income; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to pass a Resolution requesting Congress oppose such a Windfall Tax on retirement income.

PASSED AND APPROVED on September 10, 2008, by the Rural - Urban Committee.



Paul Geisel, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Retirement & Aging

**RESOLUTION**

**Restructure Teacher Retirement System Board of Trustees**

A RESOLUTION TO: Introduce legislation to change the statue structure of the Teacher Retirement System of Texas (TRS) Board of Trustees.

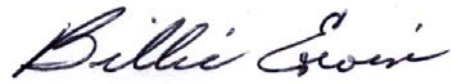
WHEREAS, Nine members constitute the TRS Board of Trustees with three members appointed by the Governor, two members recommended by the State Board of Education, two members recommended by the active teachers, one member recommended by the retired teachers and one member recommended by higher education; and

WHEREAS, The State Board of Education has no vested interest in the Teacher Retirement System; and

WHEREAS, Educational retirees and active teachers, whose plans include retirement, have a direct vested interest and involvement in the Teacher Retirement System and are underrepresented in its governance while higher education has options in other retirement systems; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature recommend that the 81<sup>st</sup> Texas Legislature change the statue to eliminate the two TRS Board members recommended by the State Board of Education, and allocate one position to be elected by active teachers and the other elected by retired teachers.

PASSED AND APPROVED on September 10, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary



Committee: State Affairs

**RESOLUTION**

**To enact a statutory Power of Attorney for Caregiver of Minor Child.**

A RESOLUTION TO: Enact in Texas a statutory Power of Attorney for Caregiver of Minor Child with a Disclosure Statement, which would make it easier for senior relatives to be caregivers of minor children when that is agreeable to the parents of the children, and which would provide stability for the children, and lessen court burdens and costs.

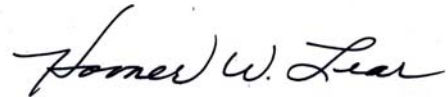
WHEREAS, It is estimated that there are 600,000 minor children in Texas being raised by adult caregivers but there is no specific statutory form of power of attorney by which parents can authorize the caregivers to make decisions for the minor children; and

WHEREAS, Many of the parents whose children are being raised by adult caregivers will be agreeable to signing a statutory form of power of attorney for caregiver of minor child with a disclosure statement empowering the caregiver to exercise specifically delegated authority tailored to the needs of the children; and

WHEREAS, Many of the parents, grandparents, and other caregivers do not have resources to hire attorneys for conservatorship lawsuits and the need for decision-making could many times be addressed by a statutory form of power of attorney for caregiver of minor child with a disclosure statement; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature enact into law the form for a statutory Power of Attorney for Caregiver of Minor Child and Disclosure Statement which will be useful to grandparents raising grandchildren.

PASSED AND APPROVED on September 10, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Human Services

**RESOLUTION**

**Expand AAA's Health Counseling programs to help control the growth of Medicaid expenditures**

A RESOLUTION TO: Control the growth of Medicaid expenditures by assisting older Texans to take responsibility in planning for future long-term service and support needs.

WHEREAS, Medicaid costs consume more than 25% of the State's revenues and are expected to increase significantly in the future; and

WHEREAS, Medicaid expenditures are increasing, given: 1) dramatic growth in the number of older persons and growing disability rates, secondary to increased incidence of diabetes and obesity, and 2) Texans' ever-increasing need to plan ahead for long-term services and supports; and

WHEREAS, Area Agencies on Aging (AAA) have successful benefits counseling programs that educate older adults about long-term services and supports, methods of payment, and quality considerations; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature approve the Legislative Appropriation Request (LAR) of the Texas Department of Aging and Disability Services for \$3 million in State General Revenue to expand area agencies' on aging health counseling programs to counsel older Texans in advance of need to develop workable plans for the delivery of long-term services and supports.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Bill Bugelholl, Oscar Garcia, Paul Geisel,  
Lila Millican and Callie Ragon

No. R51

Committee: Human Services

**RESOLUTION**

**Reduce Social Isolation through replication of "Neighbor Helping Neighbor" projects**

A RESOLUTION TO: Decrease social isolation among seniors by initiating demonstration projects across the State based on the national award winning "Neighbor Helping Neighbor" model developed in Tarrant County.

WHEREAS, It is estimated, based on census data and local needs assessment surveys in Tarrant County, that one in five older Texans are socially isolated and feel lonely most of the time due largely to the loss of spouse, friends, income, health, and retirement; and

WHEREAS, It is well documented that loneliness often leads to depression, substance abuse, dementia, suicide and a wide range of health problems due to compromises in the immune systems of lonely, isolated older adults; and

WHEREAS, The Area Agency on Aging and United Way of Tarrant County have developed a successful model for identifying socially isolated seniors and reducing isolation and loneliness through the formation of "grass roots" Neighborhood Resource Coordination Groups (NRCGs) that mobilize local resources to address this growing problem; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend to the 81<sup>st</sup> Texas Legislature that \$500,000 be appropriated to the Texas Department of Aging and Disabilities Services (DADS) for the establishment of ten (10) demonstration projects to be implemented by Texas' Area Agencies on Aging.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Retirement & Aging

**RESOLUTION**

**Increase funding for the Staffing Enhancement Program in Texas**

A RESOLUTION TO: Increase Direct Care Staffing Enhancement Funding.

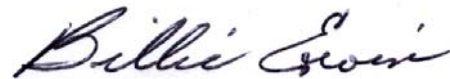
WHEREAS, The Medicaid program in long term care known as "direct care staff enhancement program" remains the center of long term care funding in Texas. According to data from the DADS 08-09 LAR, Texas continues to under-fund the cost of Medicaid long term care. Because this program is under-funded, it is imperative that funding go to staffing and training, key variables in maintaining quality of care; and

WHEREAS, Recent studies published in the Journal of Health Affairs (September/October 2004 pp. 243-252) indicate that "quality of nursing home care may suffer if budget shortfalls force legislatures to freeze or reduce Medicaid rates" (Grabowski, 243). The Journal of Health Affairs study found that "greater Medicaid investment translates into better quality across two quite different domains of quality" (Grabowski, 249); and

WHEREAS, A primary obstacle to retention and recruitment of quality staff remains adequate wages and benefits; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature increase funding for the Direct Care Staffing Enhancement program in Texas.

PASSED AND APPROVED on September 10, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Human Services

**RESOLUTION**

**Training Requirements for Direct Care Workers**

A RESOLUTION TO: Mandate training for Personal and Home Care aides (attendants) related to their patient care assignments for which there is no requirement by the State of Texas.

WHEREAS, Direct care work is not routine, ordinary or mechanized and provides for the daily physical and health requirements of needy, vulnerable, elderly and disabled individuals with varying levels of health, mental acuity and mobility; and

WHEREAS, Safe and appropriate care often involves complicated, very personal tasks, close observation and reporting of changes in health status and the appropriateness and safety of patient environment; and

WHEREAS, Lack of training for performing these tasks risks the health and safety of the worker and patient making home care the site of highest workplace injury of any occupation, contributing to the increasing exodus of staff from home care agencies by fatigued, injured and poorly compensated workers; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to mandate a minimum of 16 hours of applicable hands-on training of personal care attendants in all the tasks required of personal and home care aides within the first 120 days of employment. Costs of such training will be absorbed by the licensed agency employing these caregivers.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Adalaide Balaban

No. R54

Committee: Human Services

**RESOLUTION**

**Annual Rate schedule adjustment for Meals On Wheels**

A RESOLUTION TO: Adjust the reimbursement rate for home delivered meals as set by the Texas Department of Aging and Disability.

WHEREAS, The viability of the Texas Meals On Wheels Program is threatened by rising costs. The Texas Meals On Wheels Program delivers an estimated twenty million meals a year to home bound Texas seniors and these meals are designed to provide one third of a senior's daily nutrition. The availability of adequate nutrition is widely recognized as one of the deciding factors in determining if a senior can expect to age in place; and

WHEREAS, Inflationary costs have seriously impacted the Texas Meals On Wheels Program. Food and delivery costs are far exceeding the reimbursement rate set by the Department of Aging and Disability. The current reimbursement rate is \$4.95 per home delivered meal and this rate has been increased only seven cents in the last fifteen years. Seniors using the service make suggested donations but contributions can only be used to expand the service for new clients and cannot be used to help defray the cost of current operations. Grants and charitable donations are solicited and received but are not sufficient to cover the short fall; and

WHEREAS, The implementation of cost-cutting measures with staff and delivery personnel have already been made. A prompt and realistic adjustment to the reimbursement rate from the Department of Aging and Disability is required if the nutritional needs of Texas seniors are to be met; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to ask that The Texas Department of Aging and Disability Services make an annual and realistic adjustment of the reimbursement rate for home delivered meals as provided by the Texas Meals On Wheels Program.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jim Endicott

No. R55

Committee: Human Services

**RESOLUTION**

**Permit all Skilled Nursing Facilities to provide Adult Day Care options.**

A RESOLUTION TO: Allow Texas Skilled Nursing Facilities to Provide Adult Day Care.

WHEREAS, Most Texas seniors would prefer to remain in their home or with family when they can no longer provide for their own care; and

WHEREAS, Overly restrictive federal and state regulations discourage Skilled Nursing Facilities, including State Veterans Homes, from providing Adult Day Care; and

WHEREAS, The U. S. Department of Veterans Affairs is revising its regulations to permit Adult Day Care; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to require all Texas agencies to modify regulations to permit all Skilled Nursing Facilities, including State Veterans Homes, to provide Adult Day Care options.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Betty Streckfuss, Oscar Garcia, Paula Johnson,  
Jetta Roberts and Bobby Southwood

No. R56

Committee: Education

**RESOLUTION**

**Continuing Education Requirement must include at least 20% received in Geriatric Education for Re-Licensure and Insurance Renewals of Health Care Professionals**

A RESOLUTION TO: Establish guidelines for at least 20% of Health Care Professionals Requiring Continuing Education be specifically focused on care and treatment of Geriatric Patients in certain practices where patient population is comprised of 35% aged 65 or older.

WHEREAS, The Senior population is increasing exponentially in the State of Texas and the number of qualified practitioners in Geriatric Medicine are diminishing due to lack of interest and limited re-imburement, in pursuit of careers in Geriatrics; and

WHEREAS, That population of seniors are the most underserved and yet most likely to develop complicated and costly health problems often resulting in hospitalizations and long term care resulting from mismanagement and/or misdiagnoses; and

WHEREAS, Those very seniors are often dependent on care by a health care professional who has no specialty training or else training in a field totally unrelated to Geriatrics; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature, to legislate a required program for Continuing Education courses devoted solely to Geriatric Medicine if a practitioner or Health Care facility accepts payment from Medicare for patients whose numbers account for more than 35% of their total practice.

PASSED AND APPROVED on September 10, 2008, by the Education Committee.



Lynn Crisp, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary



By: Jim Endicott

No. R57

Committee: State Affairs

**RESOLUTION**

**Provide total property tax exemption for disabled Veterans**

A RESOLUTION TO: Implement Constitutional Amendment Proposition No. 9

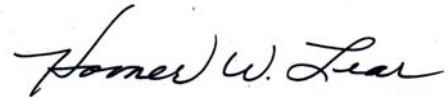
WHEREAS, In 2007, the citizens of Texas voted 86% to grant property tax relief to certain disabled veterans who are rated by the U. S. Department of Veterans Affairs as 100% disabled because of their military service connected physical disabilities or their total unemployability; and

WHEREAS, The Texas Legislature must pass legislation to implement the overwhelming statement of support for Texas disabled Veterans; and

WHEREAS, Legislation to implement the will of the citizens of Texas should be made retroactive to January 1, 2008; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to make implementation of Constitutional Amendment Proposition No. 9 a matter of urgent legislation to provide total property tax exemption for disabled Veterans rated as 100% service connected disabled or totally unemployable because of service connected disabilities by the U. S. Department of Veterans Affairs retroactive to January 1, 2008.

PASSED AND APPROVED on September 10, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Callie Ragon, Ted Hubert, Roberto Gutierrez, Robert Fitzgerald, No. R58  
Presley Donaldson, Jane Nelson, Charlotte Parks, and C. J. "Jim" Brisbin

Committee: Utilities & Natural Resources

**RESOLUTION**

**Reenact state regulation of electric utilities**

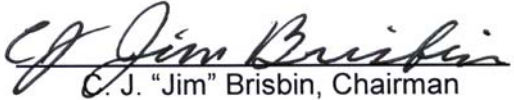
A RESOLUTION TO: Reenact state regulation of electric utilities.

WHEREAS, The original legislative intent of deregulation was to create competition and lower electrical costs; and

WHEREAS, Instead of lowering electrical costs, they have been driven up substantially with resultant curtailment of service causing major hardships on senior citizens, low and fixed income families; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature pass legislation to reenact state regulation of electric utilities.

PASSED AND APPROVED on September 10, 2008, by the Utilities & Natural Resources Committee.

  
C. J. "Jim" Brisbin, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Carlos Higgins

No. R59

Committee: Retirement & Aging

**RESOLUTION**

**Relief for Nursing Facilities and Their Senior Citizen Residents in Texas**

A RESOLUTION TO: Urge that funding for Texas Nursing Facilities be addressed and increased to adequate levels.

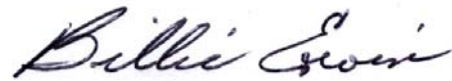
WHEREAS, There are approximately 1,100 nursing facilities in Texas, in which more than 90,000 Texas citizens reside, including about 60,000 on Medicaid,. With the growing number of senior citizens in this state expected to grow at an even greater pace with the arrival of the Boomer generation as seniors, the demand for such facilities will be all that much greater, but the number of facilities actually continues to decrease in Texas due to inadequate funding; and

WHEREAS, The problem of an inadequate number of such facilities in rural areas of Texas is now significant but will continue to grow, and the lack of facilities where they are needed, close to home, means that many elderly residents will end up in larger facilities able to survive only in distant large cities, meaning those residents will be further from their homes and have less visits from and interaction with family and friends; and

WHEREAS, Each additional dollar provided from general revenue by Texas to support these facilities will be matched by an additional two dollars in Federal Funds, but despite that incentive, Texas continues to leave Federal Funding dollars "on the table" to the extent that Texas is now ranked 49<sup>th</sup> of the 50 states in terms of providing adequate funding to address the needs of its seniors who reside in nursing facilities; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to provide sufficient state funding which, together, with available matching federal funds, will provide adequate funding for Texas nursing facilities.

PASSED AND APPROVED on September 10, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: State Affairs

**RESOLUTION**

**Proper Identification of Polling Places**

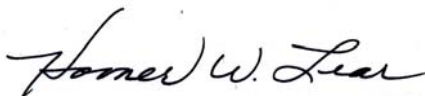
A RESOLUTION TO: Create a uniform size sign to identify polling places.

WHEREAS, Polling places need to be identified by an easily visible freestanding sign that could be read from a distance of 150 feet; and


WHEREAS, Following research in several counties, it was found that most polling places are not appropriately marked, making them difficult to identify, thus discouraging senior citizens from voting; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature pass legislation that polling places be marked by free standing yellow signs, of a minimum of 24"X24" inches with black lettering at least 4" inches high identifying voting places and precinct numbers.

PASSED AND APPROVED on September 10, 2008, by the State Affairs Committee.

  
\_\_\_\_\_  
Homer W. Lear, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.

  
\_\_\_\_\_  
Walter C. Graham, Speaker

ATTEST:

  
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Pat J. Porter, Secretary

Committee: Human Services

**RESOLUTION**

**Increase funding for Senior Corps Programs in Texas**

A RESOLUTION TO: Increase state funding in the 2010 – 2011 biennium for Senior Corps Programs, including the Retired and Senior Volunteer Program (RSVP), the Foster Grandparent Program (FGP) and the Senior Companion Program (SCP).

WHEREAS, The Texas Senior Corps, comprised of RSVP, FGP and SCP, is a network of programs which taps the experience, skills, talents and leisure time of older citizens and applies these human assets toward meeting a variety of community challenges; and, thirty RSVPs in Texas have engaged seniors, 55 and over, in a wide array of services to nonprofit and community-based organizations, contributing almost 5 million volunteer hours of service in a single year; and

WHEREAS, Seventeen FG projects in Texas have engaged seniors, 60 and over, to provide support services to children and youth with exceptional needs in schools, hospitals, drug treatment centers, correctional institutions, Head Start programs and child care centers, reaching more than 4,000 children and youth each day. Foster Grandparents serve weekly schedules, receive an hourly stipend, mileage and meal reimbursements; and

WHEREAS, Ten SC projects in Texas have engaged seniors, 60 and over, in long-term care to homebound elderly, helping them stay in their homes longer and providing family caregivers respite from their care-giving duties. Senior Companions serve weekly schedules, receive an hourly stipend, mileage and meal reimbursements. In a single year 781 Companions helped over 1,470 frail clients; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature strongly recommend that the 81<sup>st</sup> Texas Legislature appropriate from the general revenue fund an additional \$150,000 per year for the Senior Corps Programs in Texas, for a biennium total of \$300,000.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Roy A. Watson, Ruth Bowling, DeVonne Foutz,  
and Lela Foreman

No. R62

Committee: Retirement & Aging

**RESOLUTION**

**To enact a multiplier of 2.5% X years of service for Texas Retired Teachers.**

A RESOLUTION TO: Urge the Texas Legislature to equalize the multiplier for State Agency Retirees and Retired Teachers.

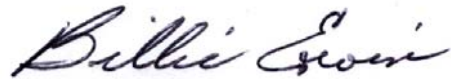
WHEREAS, Before 1999, Retired Teachers were paid 2.0% X years of service, while State Retirees were paid 2.5% X years of service, an obvious inequity; and

WHEREAS, In 1999 the Texas Legislature raised Retired Teachers to 2.1%, and in 2001, to 2.3% X years of service, thus demonstrating intent to equalize the multiplier; and

WHEREAS, Equality of the multiplier for Retired Teachers, most of whom are not covered by Social Security, is overdue and affordable; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to enact a multiplier of 2.5% X years of service for Texas Retired Teachers. This will provide a much needed increase to cover the cost of living.

PASSED AND APPROVED on September 11, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Human Services

**RESOLUTION**

**Decrease the Ratio of Supervisors to Case Workers in Adult Protective Services**

A RESOLUTION TO: Improve the quality of Adult Protective Services (APS) casework by decreasing the ratio of Supervisors to Case Workers in APS.

WHEREAS, The reform of the APS program outlined in Senate Bill 6 (SB6, 79<sup>th</sup> Legislature) focused on the quality of casework in APS, and significant reform was implemented in Child Protective Services (CPS) to reduce the ratio of Supervisors to Caseworkers and the formation of functional service units; and

WHEREAS, Implementation of functional service units in APS would allow Supervisors to concentrate more on staff development and improve the quality and effectiveness of investigations; and

WHEREAS, Implementation of a decreased Supervisor to Caseworker ratio would result in allowing caseworkers to have more time for direct client contact and assistance; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to increase funding to the Department of Family Protective Services for the APS division to be able to implement a Supervisor to Caseworker ratio of 1:5.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Human Services

**RESOLUTION**

**Establishing a "Right to Die with Dignity" Law in Texas**

A RESOLUTION TO: Urge the Texas Legislature to Establish a "Right to Die with Dignity" in the State of Texas.

WHEREAS, With current and anticipated advances in medical care, it is now possible to keep elderly persons alive for extended periods, despite the onset of numerous age-related illnesses and disabilities; and

WHEREAS, Too often elderly citizens are kept alive in circumstances where their acceptable (to them) quality of life is low to non-existent, and extreme efforts to keep them alive are being made not for the benefit of the elderly citizen but instead to satisfy his or her family or relatives or those of the caregiver facilities; and

WHEREAS, The person most qualified and able to judge whether the quality of life one is experiencing is worth the pain, indignity and aggravation such life entails is the person experiencing those circumstances so long as that person is of sound mind, he or she should have the sole and exclusive right to decide whether extreme measures should be used to extend life; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature recommend that the 81<sup>st</sup> Texas Legislature enact legislation establishing a "Right to Die with Dignity" provision allowing a senior citizen who determines that his or her quality of life is not worth the pain, indignity and aggravation being experienced to decide whether extreme measures may be taken to extend his or her life, and that the senior's decision be respected and honored despite pleas from other interested parties.

PASSED AND APPROVED on September 10, 2008, by the Human Services Committee.



Adalaide Balaban, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary



Committee: Retirement & Aging

**RESOLUTION**

**Respite Care for Family Caregivers**

A RESOLUTION TO: Expand respite care for family caregivers.

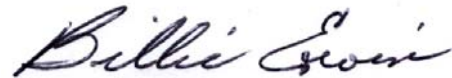
WHEREAS, The National Family Caregiver Support Program, as authorized under the Older Americans Act, is administered In Texas by DADS and implemented by 28 Area Agencies on Aging; and

WHEREAS, According to 2004 data compiled by the National Family Caregiver Association, the economic value of informal caregiving in the United States is \$306 billion including 2,101,949 Texans who are informal caregivers, providing 2.252 billion hours of assistance, with imputed value of \$22.336 billion dollars; and

WHEREAS, The Area Agencies on Aging in Texas provided an annual average respite benefit for SFY 2007 of \$667, which is helpful but inadequate to meet the needs of unpaid caregivers who provide on-going and intensive assistance; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Silver-Haired Legislature strongly recommend that the 81<sup>st</sup> Texas legislature expand the family caregiver support program to provide more intensive and/or ongoing respite for the caregiver, with an average benefit of \$1,200 per annum.

PASSED AND APPROVED on September 10, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Health & Human Resources

**RESOLUTION**

**Expand training for healthcare providers of Alzheimer's and dementia patients**

A RESOLUTION TO: Expand training for healthcare providers of Alzheimer's and dementia patients.

WHEREAS, The number of Alzheimer's and dementia patients is expected to explode within the next ten years; and

WHEREAS, The behavior of Alzheimer's and dementia patients, unlike dementia patients, is often very bizarre and difficult to deal with; and

WHEREAS, There is currently little or no specific training for the caregivers of Alzheimer's patients; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to require education for healthcare providers of Alzheimer's and dementia patients to be increased or added to training with a special emphasis on sensitivity especially for that of the nursing home staff.

PASSED AND APPROVED on September 11, 2008, by the Health & Human Resources Committee.



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Sandra Graham, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



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Walter C. Graham, Speaker

ATTEST:



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Pat J. Porter, Secretary

**RESOLUTION**

**Strengthen Rights of Family Councils in Nursing Homes**

A RESOLUTION TO: Strengthen Rights of Family Councils in Nursing Homes.

WHEREAS, Federal and State Regulations authorize the formation of family councils in Nursing Homes under Federal 42 CFE 483.15c and TAC (Texas Administration Code) 19.07, less than one-half (1/2) of the more than 1,100 (one thousand one hundred)nursing homes in Texas , have family councils; and, between January 2000 and October 2004, California, Massachusetts, Maryland and New York enacted legislation that significantly strengthens family councils stating that no nursing facility may prohibit the formation of a family council and must provide adequate space for it to meet privately without staff; and

WHEREAS, When a family council exists, the facility shall designate a staff member to assist with notices of meetings times, place and dates to inform family, friends and legal representatives, and the nursing facility shall respond to the family council concerns within then (10) working days, the staff and visitors may attend by invitation; and

WHEREAS, The Nursing facility shall consider and act upon family council grievances and recommendations concerning proposed policy and operational decisions that affect the resident's quality of life and State surveyors shall include family members in the survey process; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend the 81<sup>st</sup> Legislature to enable ombudsmen and Area Agencies on Aging (AAA) to facilitate formation of family councils for Nursing Home residents.

PASSED AND APPROVED on September 10, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Jane Ratcliff, Gerardo Camacho, and Betty Kildahl

No. R68

Committee: Retirement & Aging

**RESOLUTION**

**Request for Texas Legislature to study the TRS Pension Fund and COLA**

A RESOLUTION TO: Encourage the Texas Legislature to Study the TRS Pension Fund.

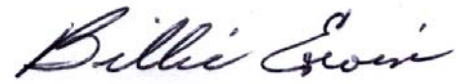
WHEREAS, The Teacher Retirement System of Texas (TRS) has the responsibility to provide service and disability retirement benefits to more than 250,000 school retired and keeping the Retirement solvent; and

WHEREAS, After seven years with no cost of living raise, education retirees received one bonus check in January 2008; while gasoline, food, utilities, housing, maintenance bills have gone through the roof but career teachers continue to receive yearly raises; and

WHEREAS, The TRS pension trust fund is now exceeding the guaranteed income to the fund, which means the fund cannot be increased and it is little known that many teachers are not eligible for Medicare Part A without paying an enormous amount of money nor are they eligible for Social Security; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and recommend to the 81<sup>st</sup> Texas Legislature to study the disparities in benefits between regular teachers and retirees and that the TRS Pension Fund should be funded to include an annual cost of living adjustment for Texas education retirees.

PASSED AND APPROVED on September 10, 2008, by the Retirement & Aging Committee.



Billie Erwin, Vice Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Chris Kyker

No. R69

Committee: State Affairs

**RESOLUTION**

**Social Security Number Protection**

A RESOLUTION TO: Protect a Texas citizen's social security number.

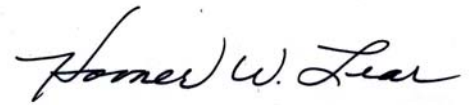
WHEREAS, The Attorney General of the State of Texas estimates that 25,000 Texans are victims of identity theft each year, and senior citizens make up 11% of the population of the state of Texas, but are victims in 33% of all the identity thefts, frauds and scams in the state of Texas; and

WHEREAS, Texas is number 2 of victims of identity theft and number 4 per capita of identity theft according to the Federal Trade Commission; and


WHEREAS, The Texas Office of Consumer Credit Commissioner, as authorized by the 78<sup>th</sup> Session of the Texas Legislature, submitted a legislative report reviewing Identity Theft and Senate Bill 473, December 2004, which recommended control of social security numbers as it applies to non-consumer agencies; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature strongly recommend that the 81<sup>st</sup> Texas Legislature pass a law that will protect not only senior citizens of Texas, but all citizens by providing social security protection that will disallow specific use of social security numbers as relates to business transactions or any intentional communication or display.

PASSED AND APPROVED on September 10, 2008, by the State Affairs Committee.

  
\_\_\_\_\_  
Homer W. Lear, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.

  
\_\_\_\_\_  
Walter C. Graham, Speaker

ATTEST:

  
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Pat J. Porter, Secretary

Committee: State Affairs

**RESOLUTION**

**Allow Property Owners to Execute "Transfer upon Death" Deeds**

A RESOLUTION TO: Enact laws in Texas which would allow the owners of real estate and other property, such as motor vehicles and securities, to execute Deeds, Titles and Certificates of Transfer which would become effective on the death of the owner who properly executes such documents, thereby eliminating the necessity for change of ownership to be performed during Estate Probate.

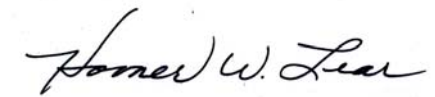
WHEREAS, Texas has long been a leader among the states in providing ways for residents to simplify and expedite the Estate Probate process; and

WHEREAS, Enactment of laws similar to the Transfer upon Death provisions in effect in the State of Kansas would further help simplify and expedite the Estate Probate process with respect to the transfer of property; and

WHEREAS, Transfer upon Death transfers would be of great benefit to senior citizens in Texas, as well as to their heirs, and of benefit to all property owners in Texas; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge the 81<sup>st</sup> Texas Legislature to enact Transfer upon Death laws and allow these transfers to occur as an alternate way to transfer property in connection with the Probate of Estates.

PASSED AND APPROVED on September 10, 2008, by the State Affairs Committee.



Homer W. Lear, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

By: Katy Kappel

No. R71

Committee: Utilities & Natural Resources

**RESOLUTION**

**Establish Energy Discount Programs for All Low Income Elderly and Disabled Users**

A RESOLUTION TO: Require Electric Utility Providers to Establish Discounted Rates for Low Income Elderly and Disabled Users.

WHEREAS, Texans with incomes below 50% of the Federal Poverty Guidelines spend as much as 53% of their income on home energy bills and this group are disproportionately elderly and/or disabled (Fisher, Sheehan & Colton, The Home Energy Affordability Gap, 2006); and

WHEREAS, Medically fragile elderly people are particularly susceptible to health crises in frigid or extremely hot weather when their power is cut off; and

WHEREAS, The only statewide energy assistance program (LIHEAP) does not always have funds and requires the user to search for assistance when they are in a crisis situation of imminent shutoff; this is a heartless system; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature direct the Public Utility Commission assure that every area of Texas provide a rate discount program to low income elderly and disabled users.

PASSED AND APPROVED on September 10, 2008, by the Utilities & Natural Resources Committee.

  
J. "Jim" Brisbin, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary

Committee: Utilities & Natural Resources

**RESOLUTION**

**Reconstitute the Public Utilities Commission of Texas' authority to administer a permanent, summer heat disconnection rule**

A RESOLUTION TO: Require the Public Utilities Commission (PUC) of Texas to prohibit electric companies in deregulated markets from disconnecting elderly low-income and medical-needs equipment customers during summer months until the first of October of each year.

WHEREAS, Electric service does not create a consumer's choice marketplace nor a free market able to function under normal rules of competition, automatically pushing retail pricing downward; therefore, a regulatory presence is necessary to enforce the general public's interests. Even in a deregulated market, the PUC must not abdicate its regulatory authority by accepting voluntary compliance from electricity providers within its jurisdiction to rules and standards of service it "recommends," instead of "enforces"; and

WHEREAS, According to the PUC, air conditioning units consume more than half of the electricity used by a typical Texas household in the summer, which is an indication that a summer disconnect rule for vulnerable elderly households is the protection they need, not a narrower "no disconnect" window or "deferred payment" plans by service providers as recommended this year by the PUC; and


WHEREAS, Administratively, eligibility standards and enrollment practices are an integral part to this rule; therefore, the PUC should work closely with the Health and Human Services Commission in adopting its policies for finding and qualifying customers. Policy enforcement in these matters is essential to its regulatory duties, along with reporting annually to the Texas Legislature on its own compliance and the compliance of those it regulates; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature urge that the 81<sup>st</sup> Texas Legislature adopt legislation to require the Public Utilities Commission of Texas to move from emergency status to permanent, statutory status its summer disconnection rule, and that the Commission adopt rules to address its administrative responsibilities of enrollment and of reporting to the Texas Legislature.


PASSED AND APPROVED on September 10, 2008, by the Utilities & Natural Resources Committee

  
J. J. "Jim" Brisbin, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature

  
Walter C. Graham, Speaker

ATTEST:

  
Pat J. Porter, Secretary



By: Margaret E. Williamson

No. R73

Committee: Health & Human Resources

**RESOLUTION**

**Nursing Homes and Assisted Living facilities to provide wrist or ankle bracelets**

A RESOLUTION TO: Require Nursing Homes and Assisted Living Facilities to provide wrist or ankle bracelets for each resident, to be used when needed, giving basic identification information as allowed by Health Insurance Portability and Accountability Act (HIPAA).

WHEREAS, Seniors are often disoriented and cannot remember names, place of residence, or necessary information when moved from familiar surroundings; and

WHEREAS, In an emergency, such as evacuation due to weather conditions or fire, it is possible for seniors to be separated from their caregivers; and their families are unable to locate them; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature encourage and strongly recommend that the 81<sup>st</sup> Texas Legislature enact legislation to require Nursing Homes and Assisted Living facilities to provide wrist or ankle bracelets for each resident, giving basic identification information under the guidelines allowed by HIPAA, to be used only in the event of an evacuation or relocation.

PASSED AND APPROVED on September 10, 2008, by the Health & Human Resources Committee.



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Sandra Graham, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



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Walter C. Graham, Speaker

ATTEST:



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Pat J. Porter, Secretary

By: Betty A. Trotter

No. R74

Committee: Health & Human Resources

**RESOLUTION**

**Medicaid Funding for Assisted Living Facilities**

A RESOLUTION TO: Provide financial resources for eligible seniors to reside in assisted living facilities.

WHEREAS, The current Medicaid program provides financial assistance only for those eligible seniors who have a higher acuteness of health care problems and must reside in a long term care nursing home setting; and

WHEREAS, The only program providing funding in an assisted living facility at this time is a community based assistance program funded by Medicaid. This is being dropped by most facilities that have been using the program, causing many seniors to stay in their homes with either no care or inadequate care; and

WHEREAS, The number of low-income seniors who need professional personal care assistance in order to function is increasing and with the baby boomers on the horizon, it will become an even greater problem creating the need to address funding to the States through the Federal Medicaid program; now, therefore be it,

RESOLVED, That the 12<sup>th</sup> Texas Silver-Haired Legislature requests the 81<sup>st</sup> Texas Legislature to pass a resolution requesting Congress to amend the Medicaid regulations to include funding for Licensed Assisted Living.

PASSED AND APPROVED on September 10, 2008, by the Health & Human Resources Committee.



Sandra Graham, Chairman

PASSED AND APPROVED on September 11, 2008, by the Texas Silver-Haired Legislature.



Walter C. Graham, Speaker

ATTEST:



Pat J. Porter, Secretary