

BILL ANALYSIS

Senate Research Center

C.S.S.B. 118
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Health & Human Services
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Committee Report (Substituted)

DIGEST

Currently, Texas law does not provide for an initial period of intensive care services and support to families considering placement of a child in a nursing facility. In addition, many families with medically fragile children are unaware of available services. C.S.S.B. 118 creates a statewide mechanism to provide a 45- to 60-day period of intensive care services and support to enable the child to remain at home while the relevant state agencies (Texas Education Agency, Interagency Council on Early Childhood Intervention Services, and others) work with the family to identify service options for the child. This bill also sets forth requirements regarding the notification of state agencies by nursing facilities when a child is admitted.

PURPOSE

As proposed, C.S.S.B. 118 requires better notification among state health and human services agencies and state educational institutions regarding a child whose parents or guardian are considering placing the child in long-term care institutions, and requires the agencies to offer their services and/or information to the family. This bill creates a statewide services system for families considering placing a child in a long-term care facility, and also requires initial placement of a child in a long-term care facility to be temporary.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 242, Health and Safety Code, by adding Subchapter O, as follows:

SUBCHAPTER O. PLACEMENT OF CERTAIN CHILDREN IN INSTITUTION

Sec. 242.801. DEFINITIONS. Defines "child," "community resource coordination group," "institution," and "permanency planning."

Sec. 242.802. NOTIFICATION REQUIRED. Requires the state agency requesting the placement, not later than the third day after the date a child with a developmental disability is initially placed in an institution, to make certain notifications. Sets forth provisions applicable if the person or organization requesting the placement is not a state agency or a representative of a state agency. Requires the institution, not later than the third day after the date a child with a developmental disability is initially placed in an institution, to make certain notifications.

Sec. 242.803. DUTIES OF TEXAS EDUCATION AGENCY. Requires the Texas Education Agency to notify the Interagency Council on Early Childhood Intervention Services, not later than the second day after receiving notification, if the child placed is younger than 37 months of age.

Sec. 242.804. OFFER OF SERVICES. Authorizes each entity receiving notice of the initial placement of a child in an institution under Section 242.802 to contact the person making the placement to ensure that family members of the child are aware of certain services and

support, available placement options, and opportunities for permanency planning.

Sec. 242.706. EFFECT ON OTHER LAW. Provides that this subchapter does not affect responsibilities imposed by federal or other state law on a physician or other professional.

SECTION 2. Amends Chapter 531B, Government Code, by adding Section 531.0245, as follows:

Sec. 531.0245. PERMANENCY PLANNING. Requires the commission and each appropriate health and human services agency to develop procedures to ensure that permanency planning is provided for each child residing in an institution in this state on a temporary or long-term basis or for whom institutional care is sought. Defines "institution" and "permanency planning."

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 242, Health and Safety Code, by adding Subchapter O, rather than Subchapter K.

Redesignates Section 242.701, Health and Safety Code, as Section 242.801 to define "institution."

Removes proposed Section 242.702.

Redesignates proposed Section 242.703, Health and Safety Code, as 242.802. Amends proposed Section 242.703 to require the state agency requesting the placement, in addition to the institution in which the child is initially placed, to make certain notifications.

Redesignates proposed Section 242.704, Health and Safety Code, as Section 242.803.

Redesignates proposed Section 242.705, Health and Safety Code, as Section 242.804. Authorizes each entity receiving notice of the initial placement of a child in an institution under Section 242.802 to contact the person making the placement to ensure that family members of the child are aware of certain services and support, available placement options, and opportunities for permanency planning.

Redesignates proposed Section 242.706, Health and Safety Code, as Section 242.805.

SECTION 2.

Replaces proposed Section 531.0245, Health and Safety Code, with a new section regarding permanency planning for certain children.