

## **BILL ANALYSIS**

Senate Research Center  
77R7851 CBH-D

S.B. 1382  
By: Armbrister  
Health & Human Services  
4/3/2001  
As Filed

### **DIGEST AND PURPOSE**

Current law requires that a person with mental retardation or the person's representative be given a choice regarding the person's care in a state school or a community care facility, given that the person is eligible for both. However, because of a long-standing rule regarding continuity of services, applicants are discouraged from applying to state schools and a resident of a state school can be removed against the resident's will. As proposed, S.B. 1382 restates and clarifies legislation requiring the Texas Department of Mental Health and Mental Retardation to honor the choice of a person with mental retardation or such a person's representative regarding care in either a state school or a community facility, and requires that all beds available in the state school system be fully utilized.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 533.038, Health and Safety Code, as follows:

(d) Requires the Texas Department of Mental Health and Mental Retardation (department) to provide to a person with mental retardation, or to the person's legally authorized representative, seeking residential services a clear explanation of programs and services for which the person is determined to be eligible, including the number of openings available in each setting. Deletes text requiring the person to receive the explanation. Requires the department to honor the program and services preferences of the person or the person's representative to the maximum extent openings are available in the program or service.

(e) Prohibits the department from denying to a person eligibility for admission to a state school if the person or the person's representative requests that admission, regardless of whether it is appropriate for the person to receive services in a less restrictive setting. Prohibits the department from denying admission or readmission of a person to a state school on the basis of the person's score on the inventory for client and agency planning assessment instrument if: the person or the person's representative requests the admission or readmission; and the state school admitting personnel or the appropriate interdisciplinary team believes that the person will function at least as well in the state school as the person will function in a community group home.

(g) Requires the department to fully use the beds available in the state school system.

SECTION 2. Effective date: September 1, 2001.