

BILL ANALYSIS

Senate Research Center
78R998 KEG-D

S.B. 48
By: Zaffirini
Health and Human Services
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DIGEST AND PURPOSE

Currently, the staff at intermediate care facilities for the mentally retarded (ICFMRs) retain the responsibility for conducting permanency planning activities for children residing in those institutions. Additionally, case managers and permanency planners at most Mental Retardation Authorities (MRAs) are actively involved in permanency planning for children in nursing facilities through subcontracts with the Texas Department of Human Services. As proposed, S.B. 48 separates the responsibility and authority for permanency planning for children with disabilities from the institutions in which they reside.

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 Section 531.153, Government Code, by amending Subsection (d) and adding Subsection (d-1) and (d-2), as follows:

(d) Requires the Texas Department of Mental Health and Mental Retardation (MHMR) and Texas Department of Human Services (DHS), while implementing permanency planning procedures for children in state institutions to develop a permanency plan for each child, rather than authorizing the MHMR, DHS, and the Department of Protective and Regulatory (DPRS) to do so.

(d-1) Requires a contract or memorandum of understanding under Subsection (d) to include performance measures by which the DHS and MHMR may evaluate the effectiveness of a local mental retardation authority's or private entity's permanency planning efforts.

(d-2) Requires DHS, MHMR, and DPRS, in implementing permanency planning procedures to develop a permanency plan for each child to engage in appropriate activities to minimize potential conflicts of interest between the best interest of the child and the institution in which the child resides and or in which institutional care is sought for the child.

- Makes conforming and nonsubstantive changes.

SECTION 2. Amends Chapter 531D, Government Code, as added by Chapter 241, Acts of the 75th Legislature, Regular Session, 1997, by adding Section 531.1531 as follows:

Section 531.1531. ASSISTANCE WITH PERMANENCY PLANNING EFFORTS.
Requires an institution in which a child resides to assist with providing effective permanency planning for the child.

SECTION 3. Amends Section 531.161, Government Code, to require each institution in which a child resides to add a local mental retardation authority or private entity that enters into a contract

to develop a permanency for the child to the list of entities which may have access to the child's records. Makes conforming and nonsubstantive changes.

SECTION 4. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is granted.

SECTION 5. (a) Effective Date: September 1, 2003.

(b) Makes application the change in law made by this Act to Section 531.153, Government Code, prospective.