

BILL ANALYSIS

Senate Research Center
80R917 CAE-D

S.B. 973
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas law allows for individuals with disabilities, including veterans, to put up to \$250,000 in trust, with the corpus and incomes of such trusts exempt from the support, maintenance, and treatment charges of state inpatient mental health facilities or residential care facilities. The funds held in such trusts can then be used to assist individuals with disabilities in transitioning into and living in the community, thereby reducing the risk of unnecessary and repeated stays in a facility. However, most of the intended beneficiaries of the trust exemption are unaware of the existence of these trusts because state facilities are not required to provide notice of the exemption.

As proposed, S.B. 973 requires the facility to provide written and oral notice of the trust exemption to state facility patients or residents. The notice is also required to be attached to any request for payment for the patient's or resident's support.

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 Subchapter A, Chapter 576, Health and Safety Code, by adding Section 576.010, as follows:

Sec. 576.010. NOTIFICATION OF TRUST EXEMPTION. (a) Requires an inpatient mental health facility for voluntary or involuntary mental health services (facility) to provide to the patient written notice at the time of admittance, in the patient's primary language, that a trust that qualifies under Section 552.018 (Trust Principals) is not liable for the patient's support. Requires the facility to ensure that within 24 hours after the patient is admitted to the facility, the notification is explained to the patient orally, in simple, nontechnical terms in the patient's primary language, if possible, or through a means reasonably calculated to communicate with a patient who has an impairment of vision or hearing, if applicable.

(b) Requires the notice required under Subsection (a) to be also attached to any request for payment for the patient's support.

SECTION 2. Amends Subchapter D, Chapter 592, Health and Safety Code, by adding Section 592.056, as follows:

Sec. 592.056. NOTIFICATION OF TRUST EXEMPTION. (a) Requires a residential care facility to provide to the resident, and the parent or guardian if the resident is a minor, written notice at the time of admittance, in the person's primary language, that a trust that qualifies under Section 593.081 (Trust Exemption) is not liable for the resident's support. Requires the residential care facility to ensure that within 24 hours after the resident is admitted, the notification is explained to the patient orally, in simple, nontechnical terms in the person's primary language, if possible, or through a means reasonably calculated to communicate with a person who has an impairment of vision or hearing, if applicable.

(b) Requires the notice required under Subsection (a) to be also attached to any request for payment for the resident's support.

SECTION 3. Effective date: upon passage or September 1, 2007.