

## **BILL ANALYSIS**

Senate Research Center  
77R14239 KLA-D

C.S.H.B. 2258  
By: Maxey (Moncrief)  
Health & Human Services  
4/26/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

In 1999, the United States Supreme Court ruled in *L.C. and E.W. v Olmstead* that, in most cases, states must provide community-based services for disabled persons if treatment professionals determine that community-based services are appropriate and the person does not object to such placement. The number of nursing home residents who would need mental health and mental retardation services from the Texas Department of Mental Health and Mental Retardation (MHMR) as well as services from the Texas Department of Human Services (DHS) related to their medical needs to successfully transition into a community based setting is unknown. It is essential that residents with mental illness or mental retardation be identified to facilitate the development of transition plans which incorporate services from both agencies. C.S.H.B. 2258 requires DHS to develop a process to identify nursing home residents with a mental illness or mental retardation and share that information with MHMR.

### **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 Chapter 242F, Health and Safety Code, by adding Section 242.158, as follows:

Sec. 242.158. IDENTIFICATION OF CERTAIN NURSING HOME RESIDENTS REQUIRING MENTAL HEALTH OR MENTAL RETARDATION SERVICES. (a) Requires the Texas Department of Human Services (department) to identify each resident of a nursing home who has a mental illness or mental retardation after the resident has decided to make a transition to a community-based care setting and before the resident makes that transition, regardless of whether the resident is receiving treatment or services for a mental illness or mental retardation.

(b) Requires the department to use identification processes to identify residents as required by this section that are at least as effective as the Preadmission Screening and Resident Review mental illness or mental retardation identification process.

(c) Requires the department to compile and provide to the Texas Department of Mental Health and Mental Retardation (MHMR) information regarding each resident identified as having a mental illness or mental retardation after the resident decides to make a transition from the nursing home to a community-based care setting and before the resident makes that transition.

(d) Requires MHMR to use the information provided under Subsection (c) to take certain actions.

(e) Provides that this section does not authorize the department to decide for a resident

of a nursing home that the resident will make a transition from the nursing home to a community-based care setting.

SECTION 2. Effective date: September 1, 2001.

**SUMMARY OF COMMITTEE CHANGES**

Amends Engrossed H.B. 2258 as follows:

SECTION 1. Adds proposed text relating to a nursing home resident deciding to make a transition to a community-based care setting. Adds proposed text relating to a nursing home not deciding for a resident to make a transition to a community-based care setting.

SECTION 2. No change.