

BILL ANALYSIS

Senate Research Center
77R1700 KLA-D

S.B. 368
By: Zaffirini
Health & Human Services
2/18/2001
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 368 requires the Health and Human Services Commission to make permanency planning procedures across health and human agencies more uniform. It requires community resource coordination groups to develop permanency planning for children in nursing homes; both the primary agency and the parents or guardians to be involved in permanency planning; agencies to appoint an advocate in certain cases; a child to be placed on a Medicaid waiver list within 24 hours of being placed in an institution; and it requires the Department of Human Services (DHS) to include permanency planning compliance as an item to be included in the DHS survey process for facilities that serve children.

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 531.153, Government Code, to add Subsection (b), as follows:

(b) Requires the Health and Human Services Commission and other appropriate health and human services agencies, in developing procedures under Subsection (a), to develop, to the extent possible, uniform procedures that promote efficiency for the agencies and stability for each child who is the subject of a permanency plan.

SECTION 2. Amends Section 242.043 (a), Health and Safety Code, to require the Texas Department of Human Services (department), in each inspection, survey or investigation of a nursing home in which a child with a developmental disability resides, to determine the extent to which the nursing home is complying with the permanency planning requirements under Subchapter P.

SECTION 3. Amends the heading to Chapter 242O, Health and Safety Code, as added by Chapter 913, Acts of the 75th Legislature, Regular Session, 1997, to redesignate it as Chapter 242P.

SECTION 4. Amends Chapter 242O, Health and Safety Code, as added by Chapter 913, Acts of the 75th Legislature, Regular Session, 1997, and redesignates as Subchapter P by this Act, to amend Section 242.804 and add Sections 242.805, 242.806, and 242.807, as follows:

Sec. 242.804. PERMANENCY PLAN. (a) Requires a community resource coordination group (coordination group) to establish a permanency plan for each child with a developmental disability who is placed in an institution, including a nursing facility licensed under this chapter.

(b) Requires the coordination group to ensure that certain groups and people are involved in developing the permanency plan for the child.

(c) Requires the coordination group to ensure that the parental rights of the child's

parents are appropriately protected in developing a permanency plan for a child.

Sec. 242.805. DESIGNATION OF ADVOCATE. (a) Requires the department to designate a person to serve as an advocate for a child residing in an institution to assist in developing a permanency plan for the child if the child's parent or guardian requests the assistance of an advocate or the institution in which the child is placed cannot locate the child's parent or guardian.

(b) Authorizes the person designated by the department to serve as the child's advocate under this section to be a person selected by the child's parent or guardian, an adult relative of the child, or a representative of a child advocacy group.

Sec. 242.806. COMMUNITY-BASED SERVICES. (a) Requires the department to ensure that, not later than 24 hours after a child is initially placed in an institution, the child is placed on a waiting list for waiver program services under Section 1915(c) of the federal Social Security Act as appropriate to the child's needs.

(b) Requires the parent or guardian of a child placed on a waiting list under Subsection (a) to determine whether to accept waiver program services under Section 1915(c) of the federal Social Security Act for the child when those services are available.

Sec. 242.807. 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 5. Requires that, if before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation, the state agency request the waiver or authorization and authorizes the delay of implementation of that provision until the waiver or authorization is granted.

SECTION 6. Effective date: September 1, 2001.