

BILL ANALYSIS

Senate Research Center
77R264 JJT-D

S.B. 83
By: Madla
Health and Human Services
2/1/2001
Committee Report (Amended)

DIGEST AND PURPOSE

Currently the Texas Department of Human Services (TDHS) has regulatory authority over Intermediate Care Facilities for the Mentally Retarded, facilities for Texans with profound to mild retardation and developmental disabilities. During the 76th Legislative Session a taskforce was created to study the regulatory system for Intermediate Care Facilities and determine whether it would be appropriate to transfer the regulatory authority over these facilities from TDHS to the Texas Department of Mental Health and Mental Retardation (MHMR). S.B. 83 codifies the findings of the taskforce and establishes the parameters under which TDHS and MHMR will work together in the regulation of Intermediate Care Facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Human Services in SECTION 1(Section 252.008, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 252.008, Health and Safety Code, by requiring the Texas Board of Human Services (board), rather than the Texas Department of Human Services (department) to adopt rules related to the administration and implementation of this chapter. Requires the department and the Texas Department of Mental Health and Mental Retardation (MHMR) to cooperate in developing rules under this section. Requires that before the board adopts a rule applicable to a facility, the board submit the proposed rule to the commissioner of mental health and mental retardation for review of the effects of the proposed rule. Requires the commissioner of mental health and mental retardation to provide the board a written statement of the effects of the proposed rule, not later than the 31st day after the date the proposed rule is received. Requires the board to consider the statement in adopting a rule under this section.

SECTION 2. Amends Section 252.040, Health and Safety Code, by adding Subsection (i) to require the department to have specialized staff conduct inspections, surveys, or investigations of facilities under this section.

SECTION 3. Amends, Chapter 252D, Health and Safety Code, by adding Section 252.099, as follows:

Sec. 252.099. COOPERATION IN FACILITY CLOSURE. Requires the department and MHMR to cooperate closely to ensure that the closure and transition plans for a facility that is closing, and the execution of those plans, ensure the short-term and long-term well-being of the clients of the facility.

SECTION 4. Repealer: Section 23 (relating to transfer of regulation of intermediate care facilities for the mentally retarded), Chapter 1187, Acts of the 76th Legislature, Regular Session, 1999.

SECTION 5. Effective date: Upon passage or 91 days after adjournment.

Provides that, notwithstanding Subsection (a) of this section, Sections 1-3 of this Act take effect September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 2. Amends As filed S.B. 83, Section 252.040, Health and Safety Code, to delete language prohibiting members of the specialized staff from being assigned the duty of inspecting, surveying, or investigating another type of facility or institution.