

BILL ANALYSIS

Senate Research Center
80R14902 UM-D

C.S.S.B. 1870
By: Zaffirini
Health & Human Services
4/17/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the personnel of state-supported intermediate care facilities for people with mental retardation (ICF-MR) are responsible for administering the community living options process (process) annually, to residents age 22 and older ("adults") who live in an ICF-MR. The process was established as a mechanism to inform persons with mental retardation and related conditions and their legally authorized representatives about alternative community living options. Although the process is only required to be administered once annually, an individual, or the individual's representative, may request the process at any other time.

C.S.S.B. 1870 requires the Department of Aging and Disability Services to contract with local mental retardation authorities to implement the community living options information process. The bill also requires the process to be conducted free of conflicts of interest so that it provides the maximum benefit to adults with a mental retardation or related conditions and their families.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02443, as follows:

Sec. 531.02443. IMPLEMENTATION OF COMMUNITY LIVING OPTIONS INFORMATION PROCESS AT STATE INSTITUTIONS. (a) Defines "adult resident," "department," "legally authorized representative," "local mental retardation authority," and "state school."

(b) Provides that this section applies only to the community living options information process for an adult resident.

(c) Requires the Department of Aging and Disability Services (DADS) to contract with local mental retardation authorities to implement the community living options information process required by Section 531.02442 (Community Living Options Information Process for Certain Persons with Mental Retardation) for an adult resident.

(d) Sets forth certain information that a contract with the local mental retardation authority is required to include.

(e) Requires DADS, with the advice and assistance of the interagency task force on ensuring appropriate care settings for persons with disabilities and representatives of family members or legally authorized representatives of adult residents, persons with mental retardation, state schools, and local mental retardation authorities, to develop an effective community living options information process; create uniform procedures for the implementation of the community living option process; and minimize any potential conflict of interest regarding the community living options information process between a state

school and an adult resident, the adult resident's legally authorized representative, or a local mental retardation authority.

(f) Requires a state school to allow a local mental retardation authority to participate in the interdisciplinary planning process involving the consideration of community living options for an adult resident; to the extent not otherwise prohibited by state or federal confidentiality laws, provide a local mental retardation authority with access to an adult resident and an adult resident's records to assist the authority in implementing the community records to assist the authority in implementing the community living options information process; and provide the adult resident or the adult's resident's legally authorized representative with accurate information regarding the risks of moving the adult resident to a community living option.

SECTION 2. 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 obtained.

SECTION 3. Effective date: September 1, 2007.