

BILL ANALYSIS

Senate Research Center
85R11128 SMT-D

S.B. 1300
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law directs the Texas Department of Aging and Disability Services (DADS) to establish a separate forensic state supported living center (SSLC) to provide special supports and services for individuals charged with a criminal offense and found mentally incompetent to stand trial, including those individuals identified as being at high-risk of causing harm to themselves or others.

DADS serves male high-risk alleged offenders at Mexia SSLC in Limestone County, Texas, which completes competency evaluations for males and was designated as the facility to serve high-risk alleged male offender residents. Similarly situated females are served at San Angelo SSLC in Tom Green County, Texas. As of June 2016, 13 female alleged offenders were living at the San Angelo SSLC.

Additionally, Section 555.002(a)(2), Health and Safety Code, requires DADS to serve high-risk alleged offender residents in a separate home from other residents. Currently, one resident at Mexia SSLC and no residents at San Angelo SSLC are classified as high-risk alleged offenders. Because a high-risk determination can be made at any time, each of these facilities is required to maintain a separate home to be available at a moment's notice. This results in a home with only one resident at Mexia SSLC being fully staffed at all times, at an annual cost of over \$290,000. San Angelo would be in a similar position if a single resident were determined to be at high risk.

Each resident's interdisciplinary team is outlined by state law (Sections 592.033 and 592.034, Health and Safety Code), by federal Medicaid conditions of participation (42 CFR 483.440(c)), and to develop an individualized plan for each resident that meets his or her individual needs, including any needs related to housing arrangements or supervision levels.

S.B. 1300 designates San Angelo SSLC as the forensic facility for females, including those determined to be at high risk. This designation would allow DADS to serve male and female alleged offenders at separate locations. It also allows high risk alleged offenders the most appropriate living arrangement, including an appropriate level of supervision, as determined by his or her interdisciplinary team. These options give the SSLC the ability to provide individualized services based on a resident's unique needs.

As proposed, S.B. 1300 amends current law relating to the designation of the San Angelo State Supported Living Center as a forensic state supported living center.

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 the heading to Section 555.002, Health and Safety Code, to read as follows:

Sec. 555.002. FORENSIC STATE SUPPORTED LIVING CENTERS.

SECTION 2. Amends Sections 555.002(a), (b), (c), and (d), Health and Safety Code, as follows:

(a) Requires the Department of Aging and Disability Services (DADS) to designate separate forensic state supported living centers (SSLCs) for the care of high-risk alleged offender residents, rather than requires DADS to establish a separate forensic SSLC, for the care apart from other clients and residents. Requires DADS to designate the Mexia and San Angelo SSLCs, rather than the Mexia SSLC, for this purpose

(b) Requires DADS, in establishing the forensic SSLCs, to, among other requirements, place high-risk alleged offender residents in appropriate, rather than separate, homes at a forensic SSLC based on certain criteria. Makes conforming changes.

(c) Makes a conforming change.

(d) Requires DADS to ensure that each forensic SSLC has a sufficient number of, rather than additional, SSLC employees. Makes a conforming change.

SECTION 3. Amends Section 29.452, Education Code, to provide that this subchapter (School District Program for Residents of State Supported Living Center) applies only to an alleged offender resident of a forensic SSLC designated, rather than established, under Section 555.002, Health and Safety Code

SECTION 4. Effective date: September 1, 2017.