

AN ACT

relating to a voluntary quality standards certification process for certain private residential psychiatric treatment facilities that provide treatments and services to youth; imposing fees; authorizing civil and administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Alec's Law.

SECTION 2. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 577A to read as follows:

CHAPTER 577A. PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 577A.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Psychiatric residential youth treatment facility" means a private facility that provides psychiatric health treatments and services in a residential, nonhospital setting exclusively to individuals who are 21 years of age or younger and is licensed as a general residential operation under Chapter 42, Human Resources Code. The term includes a facility that provides room and board.

(4) "Severe emotional disturbance" means a mental,

1 behavioral, or emotional disorder of sufficient duration to result
2 in functional impairment that substantially interferes with or
3 limits an individual's role or ability to function in family,
4 school, or community activities.

5 Sec. 577A.002. EXEMPTIONS. This chapter does not apply to:

6 (1) a mental hospital; or

7 (2) a private mental hospital or other mental health
8 facility licensed under Chapter 577.

9 Sec. 577A.003. LICENSING AND OTHER REQUIREMENTS NOT
10 AFFECTED. This chapter does not affect any licensing or other
11 requirements of or create a separate license for a psychiatric
12 residential youth treatment facility under Chapter 42, Human
13 Resources Code.

14 Sec. 577A.004. RULES. The executive commissioner shall
15 adopt rules necessary to implement this chapter.

16 SUBCHAPTER B. CERTIFICATION, FEES, AND INSPECTIONS

17 Sec. 577A.051. VOLUNTARY QUALITY STANDARDS CERTIFICATION.

18 The commission shall, using existing resources to the extent
19 feasible, develop and implement a voluntary quality standards
20 certification process to certify a psychiatric residential youth
21 treatment facility that meets standards for certification under
22 this chapter.

23 Sec. 577A.052. CERTIFICATE APPLICATION. (a) To obtain a
24 certificate under this chapter, an applicant must submit to the
25 commission an application in the form and manner prescribed by the
26 commission.

27 (b) Each application must be accompanied by a fee

1 established by the executive commissioner under Section 577A.053.

2 Sec. 577A.053. FEES. The executive commissioner by rule
3 shall establish a nonrefundable certificate application fee and a
4 nonrefundable certificate renewal fee in amounts necessary to cover
5 the costs of administering this chapter.

6 Sec. 577A.054. ISSUANCE AND RENEWAL OF CERTIFICATE. (a)
7 The commission shall issue a certificate to an applicant if on
8 inspection and investigation the commission determines the
9 applicant meets the requirements of this chapter and commission
10 rules. The commission may not issue to an applicant a certificate
11 under this chapter unless the applicant is licensed as a general
12 residential operation under Chapter 42, Human Resources Code.

13 (b) A certificate issued under this chapter expires on the
14 second anniversary of the date the certificate is issued or
15 renewed.

16 (c) The commission shall renew a certificate if:

17 (1) the certificate holder submits to the commission a
18 fee established by the executive commissioner under Section
19 577A.053; and

20 (2) on inspection and investigation the commission
21 determines the certificate holder meets the requirements of this
22 chapter and commission rules.

23 Sec. 577A.055. INSPECTIONS. In addition to the inspections
24 required under Section 577A.054, the commission shall conduct an
25 inspection not later than the first anniversary of the date a
26 certificate is issued or renewed to ensure the certificate holder
27 remains in compliance with the requirements of this chapter and

1 commission rules.

2 SUBCHAPTER C. REGULATION OF CERTIFIED PSYCHIATRIC RESIDENTIAL
3 YOUTH TREATMENT FACILITIES

4 Sec. 577A.101. MINIMUM STANDARDS. The executive
5 commissioner by rule shall establish minimum standards for the
6 certification of psychiatric residential youth treatment
7 facilities under this chapter. The minimum standards must require
8 a facility to:

9 (1) obtain accreditation by The Joint Commission, the
10 Commission on Accreditation of Rehabilitation Facilities, the
11 Council on Accreditation, or another accrediting organization
12 approved by the commission; and

13 (2) provide and prescribe guidelines for the provision
14 of the following activities, treatments, and services:

15 (A) development and implementation of individual
16 plans of care, including the provision of services provided by a
17 licensed psychiatrist or physician to develop individual plans of
18 care;

19 (B) individual therapy;

20 (C) family engagement activities;

21 (D) consultation services with qualified
22 professionals, including case managers, primary care
23 professionals, community-based mental health providers, school
24 staff, and other support planners;

25 (E) 24-hour nursing services; and

26 (F) direct care and supervision services,
27 supportive services for daily living and safety, and positive

1 behavior management services.

2 Sec. 577A.102. ADMISSION CRITERIA. A facility certified
3 under this chapter may not admit or provide treatments or services
4 to an individual unless the individual:

5 (1) is 21 years of age or younger;

6 (2) has been diagnosed with a severe emotional
7 disturbance by a licensed mental health professional;

8 (3) requires residential psychiatric treatment under
9 the direction of a licensed physician to improve the individual's
10 condition; and

11 (4) was referred for treatments or services in a
12 psychiatric residential youth treatment facility by a licensed
13 mental health professional.

14 SUBCHAPTER D. ENFORCEMENT

15 Sec. 577A.151. PENALTIES. A facility certified under this
16 chapter is subject to a civil penalty under Section 571.023 or an
17 administrative penalty under Section 571.025, as applicable, for a
18 violation of this chapter or a rule adopted under this chapter.

19 SECTION 3. Section 577.002, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 577.002. EXEMPTIONS [~~FROM LICENSING REQUIREMENT~~]. (a)
22 A mental health facility operated by the department or a federal
23 agency need not be licensed under this chapter.

24 (b) This chapter does not apply to a psychiatric residential
25 youth treatment facility certified under Chapter 577A.

26 SECTION 4. As soon as practicable after the effective date
27 of this Act, the executive commissioner of the Health and Human

1 Services Commission shall adopt rules necessary to implement
2 Chapter 577A, Health and Safety Code, as added by this Act.

3 SECTION 5. If the legislature does not appropriate money
4 specifically for the purpose of implementing a provision of this
5 Act, the Health and Human Services Commission may, but is not
6 required to, implement a provision of this Act using other
7 appropriations that are available for that purpose.

8 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 3121 was passed by the House on May 13, 2021, by the following vote: Yeas 97, Nays 44, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3121 on May 28, 2021, by the following vote: Yeas 95, Nays 53, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3121 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor