

By: Turner of Dallas, Price, Coleman

H.B. No. 3121

Substitute the following for H.B. No. 3121:

By: Klick

C.S.H.B. No. 3121

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a voluntary quality standards certification process for
3 certain private residential psychiatric treatment facilities that
4 provide treatments and services to youth; imposing fees;
5 authorizing civil and administrative penalties.

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

7 SECTION 1. Subtitle C, Title 7, Health and Safety Code, is
8 amended by adding Chapter 577A to read as follows:

9 CHAPTER 577A. PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

10 SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

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

23 (4) "Severe emotional disturbance" means a mental,
24 behavioral, or emotional disorder of sufficient duration to result

1 in functional impairment that substantially interferes with or
2 limits an individual's role or ability to function in family,
3 school, or community activities.

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

5 (1) a mental hospital; or

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

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

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

14 SUBCHAPTER B. CERTIFICATION, FEES, AND INSPECTIONS

15 Sec. 577A.051. VOLUNTARY QUALITY STANDARDS CERTIFICATION.
16 The commission shall develop and implement a voluntary quality
17 standards certification process to certify a psychiatric
18 residential youth treatment facility that meets standards for
19 certification under this chapter.

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

24 (b) Each application must be accompanied by a fee
25 established by the executive commissioner under Section 577A.053.

26 Sec. 577A.053. FEES. The executive commissioner by rule
27 shall establish a nonrefundable certificate application fee and a

1 nonrefundable certificate renewal fee in amounts necessary to cover
2 the costs of administering this chapter.

3 Sec. 577A.054. ISSUANCE AND RENEWAL OF CERTIFICATE. (a)
4 The commission shall issue a certificate to an applicant if on
5 inspection and investigation the commission determines the
6 applicant meets the requirements of this chapter and commission
7 rules.

8 (b) A certificate issued under this chapter expires on the
9 second anniversary of the date the certificate is issued or
10 renewed.

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

12 (1) the certificate holder submits to the commission a
13 fee established by the executive commissioner under Section
14 577A.053; and

15 (2) on inspection and investigation the commission
16 determines the certificate holder meets the requirements of this
17 chapter and commission rules.

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

24 SUBCHAPTER C. REGULATION OF CERTIFIED PSYCHIATRIC RESIDENTIAL
25 YOUTH TREATMENT FACILITIES

26 Sec. 577A.101. MINIMUM STANDARDS. The executive
27 commissioner by rule shall establish minimum standards for the

1 certification of psychiatric residential youth treatment
2 facilities under this chapter. The minimum standards must require
3 a facility to:

4 (1) obtain accreditation by The Joint Commission, the
5 Commission on Accreditation of Rehabilitation Facilities, the
6 Council on Accreditation, or another accrediting organization
7 approved by the commission; and

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

10 (A) development and implementation of individual
11 plans of care, including the provision of services provided by a
12 licensed psychiatrist or physician to develop individual plans of
13 care;

14 (B) individual therapy;

15 (C) family engagement activities;

16 (D) consultation services with qualified
17 professionals, including case managers, primary care
18 professionals, community-based mental health providers, school
19 staff, and other support planners;

20 (E) 24-hour nursing services; and

21 (F) direct care and supervision services,
22 supportive services for daily living and safety, and positive
23 behavior management services.

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

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

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

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

6 (4) was referred for treatments or services in a
7 psychiatric residential youth treatment facility by a licensed
8 mental health professional.

9 SUBCHAPTER D. ENFORCEMENT

10 Sec. 577A.151. PENALTIES. A facility certified under this
11 chapter is subject to a civil penalty under Section 571.023 or an
12 administrative penalty under Section 571.025, as applicable, for a
13 violation of this chapter or a rule adopted under this chapter.

14 SECTION 2. Section 577.002, Health and Safety Code, is
15 amended to read as follows:

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

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

21 SECTION 3. As soon as practicable after the effective date
22 of this Act, the executive commissioner of the Health and Human
23 Services Commission shall adopt rules necessary to implement
24 Chapter 577A, Health and Safety Code, as added by this Act.

25 SECTION 4. This Act takes effect September 1, 2021.