

By: Turner of Dallas

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 residential
18 psychiatric health treatments and services exclusively to
19 individuals who are 21 years of age or younger. The term includes a
20 facility that provides room and board.

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

22 (1) a mental hospital; or

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

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

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

7 SUBCHAPTER B. CERTIFICATION, FEES, AND INSPECTIONS

8 Sec. 577A.051. VOLUNTARY QUALITY STANDARDS CERTIFICATION.
9 The commission shall develop and implement a voluntary quality
10 standards certification process to certify a psychiatric
11 residential youth treatment facility that meets standards for
12 certification under this chapter.

13 Sec. 577A.052. CERTIFICATE APPLICATION. (a) To obtain a
14 certificate under this chapter, an applicant must submit to the
15 commission an application in the form and manner prescribed by the
16 commission.

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

19 Sec. 577A.053. FEES. The executive commissioner by rule
20 shall establish a nonrefundable certificate application fee and a
21 nonrefundable certificate renewal fee in amounts necessary to cover
22 the costs of administering this chapter.

23 Sec. 577A.054. ISSUANCE AND RENEWAL OF CERTIFICATE. (a)
24 The commission shall issue a certificate to an applicant if on
25 inspection and investigation the commission determines the
26 applicant meets the requirements of this chapter and commission
27 rules.

1 (b) A certificate issued under this chapter expires on the
2 second anniversary of the date the certificate is issued or
3 renewed.

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

5 (1) the certificate holder submits to the commission a
6 fee established by the executive commissioner under Section
7 577A.053; and

8 (2) on inspection and investigation the commission
9 determines the certificate holder meets the requirements of this
10 chapter and commission rules.

11 Sec. 577A.055. INSPECTIONS. In addition to the inspections
12 required under Section 577A.054, the commission shall conduct an
13 inspection not later than the first anniversary of the date a
14 certificate is issued or renewed to ensure the certificate holder
15 remains in compliance with the requirements of this chapter and
16 commission rules.

17 SUBCHAPTER C. REGULATION OF CERTIFIED PSYCHIATRIC RESIDENTIAL
18 YOUTH TREATMENT FACILITIES

19 Sec. 577A.101. MINIMUM STANDARDS. The executive
20 commissioner by rule shall establish minimum standards for the
21 certification of psychiatric residential youth treatment
22 facilities under this chapter. The minimum standards must require
23 a facility to:

24 (1) obtain accreditation by The Joint Commission, the
25 Commission on Accreditation of Rehabilitation Facilities, the
26 Council on Accreditation, or another accrediting organization
27 approved by the commission; and

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

3 (A) development and implementation of individual
4 plans of care, including the provision of services provided by a
5 licensed psychiatrist or physician to develop individual plans of
6 care;

7 (B) individual therapy;

8 (C) family engagement activities;

9 (D) consultation services with qualified
10 professionals, including case managers, primary care
11 professionals, community-based mental health providers, school
12 staff, and other support planners;

13 (E) 24-hour nursing services; and

14 (F) direct care and supervision services,
15 supportive services for daily living and safety, and positive
16 behavior management services.

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

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

21 (2) has a mental health diagnosis that is supported
22 by:

23 (A) clinical evidence of severe aggression; or

24 (B) a finding that the individual poses a risk to
25 the individual or to others;

26 (3) requires residential psychiatric treatment under
27 the direction of a licensed physician to improve the individual's

1 condition; and

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

5 SUBCHAPTER D. ENFORCEMENT

6 Sec. 577A.151. PENALTIES. A facility certified under this
7 chapter is subject to a civil penalty under Section 571.023 or an
8 administrative penalty under Section 571.025, as applicable, for a
9 violation of this chapter or a rule adopted under this chapter.

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

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

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

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

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