

1-1 By: Turner of Dallas, et al. H.B. No. 3121
 1-2 (Senate Sponsor - Johnson)
 1-3 (In the Senate - Received from the House May 14, 2021;
 1-4 May 18, 2021, read first time and referred to Committee on Health &
 1-5 Human Services; May 21, 2021, reported favorably by the following
 1-6 vote: Yeas 9, Nays 0; May 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to a voluntary quality standards certification process for
 1-21 certain private residential psychiatric treatment facilities that
 1-22 provide treatments and services to youth; imposing fees;
 1-23 authorizing civil and administrative penalties.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. This Act shall be known as Alec's Law.

1-26 SECTION 2. Subtitle C, Title 7, Health and Safety Code, is
 1-27 amended by adding Chapter 577A to read as follows:

1-28 CHAPTER 577A. PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

1-29 SUBCHAPTER A. GENERAL PROVISIONS

1-30 Sec. 577A.001. DEFINITIONS. In this chapter:

1-31 (1) "Commission" means the Health and Human Services
 1-32 Commission.

1-33 (2) "Executive commissioner" means the executive
 1-34 commissioner of the commission.

1-35 (3) "Psychiatric residential youth treatment
 1-36 facility" means a private facility that provides psychiatric health
 1-37 treatments and services in a residential, nonhospital setting
 1-38 exclusively to individuals who are 21 years of age or younger and
 1-39 that meets criteria to be licensed as a general residential
 1-40 operation under Chapter 42, Human Resources Code. The term
 1-41 includes a facility that provides room and board.

1-42 (4) "Severe emotional disturbance" means a mental,
 1-43 behavioral, or emotional disorder of sufficient duration to result
 1-44 in functional impairment that substantially interferes with or
 1-45 limits an individual's role or ability to function in family,
 1-46 school, or community activities.

1-47 Sec. 577A.002. EXEMPTIONS. This chapter does not apply to:

1-48 (1) a mental hospital; or

1-49 (2) a private mental hospital or other mental health
 1-50 facility licensed under Chapter 577.

1-51 Sec. 577A.003. LICENSING AND OTHER REQUIREMENTS NOT
 1-52 AFFECTED. This chapter does not affect any licensing or other
 1-53 requirements of a psychiatric residential youth treatment facility
 1-54 under Chapter 42, Human Resources Code.

1-55 Sec. 577A.004. RULES. The executive commissioner shall
 1-56 adopt rules necessary to implement this chapter.

1-57 SUBCHAPTER B. CERTIFICATION, FEES, AND INSPECTIONS

1-58 Sec. 577A.051. VOLUNTARY QUALITY STANDARDS CERTIFICATION.

1-59 The commission shall develop and implement a voluntary quality
 1-60 standards certification process to certify a psychiatric
 1-61 residential youth treatment facility that meets standards for

2-1 certification under this chapter.
 2-2 Sec. 577A.052. CERTIFICATE APPLICATION. (a) To obtain a
 2-3 certificate under this chapter, an applicant must submit to the
 2-4 commission an application in the form and manner prescribed by the
 2-5 commission.
 2-6 (b) Each application must be accompanied by a fee
 2-7 established by the executive commissioner under Section 577A.053.
 2-8 Sec. 577A.053. FEES. The executive commissioner by rule
 2-9 shall establish a nonrefundable certificate application fee and a
 2-10 nonrefundable certificate renewal fee in amounts necessary to cover
 2-11 the costs of administering this chapter.
 2-12 Sec. 577A.054. ISSUANCE AND RENEWAL OF CERTIFICATE. (a)
 2-13 The commission shall issue a certificate to an applicant if on
 2-14 inspection and investigation the commission determines the
 2-15 applicant meets the requirements of this chapter and commission
 2-16 rules.
 2-17 (b) A certificate issued under this chapter expires on the
 2-18 second anniversary of the date the certificate is issued or
 2-19 renewed.
 2-20 (c) The commission shall renew a certificate if:
 2-21 (1) the certificate holder submits to the commission a
 2-22 fee established by the executive commissioner under Section
 2-23 577A.053; and
 2-24 (2) on inspection and investigation the commission
 2-25 determines the certificate holder meets the requirements of this
 2-26 chapter and commission rules.
 2-27 Sec. 577A.055. INSPECTIONS. In addition to the inspections
 2-28 required under Section 577A.054, the commission shall conduct an
 2-29 inspection not later than the first anniversary of the date a
 2-30 certificate is issued or renewed to ensure the certificate holder
 2-31 remains in compliance with the requirements of this chapter and
 2-32 commission rules.
 2-33 SUBCHAPTER C. REGULATION OF CERTIFIED PSYCHIATRIC RESIDENTIAL
 2-34 YOUTH TREATMENT FACILITIES
 2-35 Sec. 577A.101. MINIMUM STANDARDS. The executive
 2-36 commissioner by rule shall establish minimum standards for the
 2-37 certification of psychiatric residential youth treatment
 2-38 facilities under this chapter. The minimum standards must require
 2-39 a facility to:
 2-40 (1) obtain accreditation by The Joint Commission, the
 2-41 Commission on Accreditation of Rehabilitation Facilities, the
 2-42 Council on Accreditation, or another accrediting organization
 2-43 approved by the commission; and
 2-44 (2) provide and prescribe guidelines for the provision
 2-45 of the following activities, treatments, and services:
 2-46 (A) development and implementation of individual
 2-47 plans of care, including the provision of services provided by a
 2-48 licensed psychiatrist or physician to develop individual plans of
 2-49 care;
 2-50 (B) individual therapy;
 2-51 (C) family engagement activities;
 2-52 (D) consultation services with qualified
 2-53 professionals, including case managers, primary care
 2-54 professionals, community-based mental health providers, school
 2-55 staff, and other support planners;
 2-56 (E) 24-hour nursing services; and
 2-57 (F) direct care and supervision services,
 2-58 supportive services for daily living and safety, and positive
 2-59 behavior management services.
 2-60 Sec. 577A.102. ADMISSION CRITERIA. A facility certified
 2-61 under this chapter may not admit or provide treatments or services
 2-62 to an individual unless the individual:
 2-63 (1) is 21 years of age or younger;
 2-64 (2) has been diagnosed with a severe emotional
 2-65 disturbance by a licensed mental health professional;
 2-66 (3) requires residential psychiatric treatment under
 2-67 the direction of a licensed physician to improve the individual's
 2-68 condition; and
 2-69 (4) was referred for treatments or services in a

3-1 psychiatric residential youth treatment facility by a licensed
3-2 mental health professional.

3-3 SUBCHAPTER D. ENFORCEMENT

3-4 Sec. 577A.151. PENALTIES. A facility certified under this
3-5 chapter is subject to a civil penalty under Section 571.023 or an
3-6 administrative penalty under Section 571.025, as applicable, for a
3-7 violation of this chapter or a rule adopted under this chapter.

3-8 SECTION 3. Section 577.002, Health and Safety Code, is
3-9 amended to read as follows:

3-10 Sec. 577.002. EXEMPTIONS [~~FROM LICENSING REQUIREMENT~~]. (a)
3-11 A mental health facility operated by the department or a federal
3-12 agency need not be licensed under this chapter.

3-13 (b) This chapter does not apply to a psychiatric residential
3-14 youth treatment facility certified under Chapter 577A.

3-15 SECTION 4. As soon as practicable after the effective date
3-16 of this Act, the executive commissioner of the Health and Human
3-17 Services Commission shall adopt rules necessary to implement
3-18 Chapter 577A, Health and Safety Code, as added by this Act.

3-19 SECTION 5. This Act takes effect September 1, 2021.

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