

By: Kolkhorst

S.B. No. 944

A BILL TO BE ENTITLED

AN ACT

relating to the commitment order for individuals with intellectual disabilities who are committed to state supported living centers.

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

SECTION 1. The heading to Section 593.013, Health and Safety Code, is amended to read as follows:

Sec. 593.013. [~~REQUIREMENT OF~~] INTERDISCIPLINARY TEAM RECOMMENDATION.

SECTION 2. Section 593.013(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Section 593.0511, a [A] person may not be admitted or committed to a residential care facility unless an interdisciplinary team recommends that placement.

SECTION 3. Section 593.041(d), Health and Safety Code, is amended to read as follows:

(d) Except as provided by Section 593.0511, a [A] person may not be committed to the department for placement in a residential care facility under this subchapter unless a report by an interdisciplinary team recommending the placement has been completed during the six months preceding the date of the court hearing on the application. If the report and recommendations have not been completed or revised during that period, the court shall order the report and recommendations on receiving the application.

SECTION 4. Section 593.050(d), Health and Safety Code, is

1 amended to read as follows:

2 (d) The Texas Rules of Evidence apply. The results of the
3 determination of an intellectual disability and the current
4 interdisciplinary team report and recommendations, except in the
5 case of a long-term placement under Section 593.0511, shall be
6 presented in evidence.

7 SECTION 5. Subchapter C, Chapter 593, Health and Safety
8 Code, is amended by adding Section 593.0511 to read as follows:

9 Sec. 593.0511. LONG-TERM PLACEMENT WITHOUT
10 INTERDISCIPLINARY TEAM RECOMMENDATION. A court may commit a
11 proposed patient to long-term placement in a residential care
12 facility without an interdisciplinary team recommendation under
13 Section 593.013 if the court determines beyond a reasonable doubt
14 that the placement is appropriate.

15 SECTION 6. Section 593.052(a), Health and Safety Code, is
16 amended to read as follows:

17 (a) A proposed resident may not be committed to a
18 residential care facility unless:

19 (1) the proposed resident is a person with an
20 intellectual disability;

21 (2) a petition to the court to issue a commitment order
22 by the guardian of the proposed resident or, if the proposed
23 resident is a minor, the parent of the proposed resident or the
24 current interdisciplinary team report and recommendations, if
25 applicable, show [evidence is presented showing] that because of
26 the proposed resident's intellectual disability, the proposed
27 resident:

1 (A) represents a substantial risk of physical
2 impairment or injury to the proposed resident or others; or

3 (B) is unable to provide for and is not providing
4 for the proposed resident's most basic personal physical needs;

5 (3) the proposed resident cannot be adequately and
6 appropriately habilitated in an available, less restrictive
7 setting; and

8 (4) the residential care facility provides
9 habilitative services, care, training, and treatment appropriate
10 to the proposed resident's needs.

11 SECTION 7. This Act takes effect September 1, 2023.