

1-1 By: Kolkhorst S.B. No. 944
 1-2 (In the Senate - Filed February 15, 2023; March 3, 2023,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; March 27, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 March 27, 2023, 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 COMMITTEE SUBSTITUTE FOR S.B. No. 944 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the commitment order for individuals with intellectual
 1-22 disabilities who are committed to state supported living centers.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 593.013, Health and
 1-25 Safety Code, is amended to read as follows:

1-26 Sec. 593.013. [~~REQUIREMENT OF~~] INTERDISCIPLINARY TEAM
 1-27 RECOMMENDATION.

1-28 SECTION 2. Section 593.013(a), Health and Safety Code, is
 1-29 amended to read as follows:

1-30 (a) Except as provided by Section 593.0511, a [A] person may
 1-31 not be admitted or committed to a residential care facility unless
 1-32 an interdisciplinary team recommends that placement.

1-33 SECTION 3. Section 593.041(d), Health and Safety Code, is
 1-34 amended to read as follows:

1-35 (d) Except as provided by Section 593.0511, a [A] person may
 1-36 not be committed to the department for placement in a residential
 1-37 care facility under this subchapter unless a report by an
 1-38 interdisciplinary team recommending the placement has been
 1-39 completed during the six months preceding the date of the court
 1-40 hearing on the application. If the report and recommendations have
 1-41 not been completed or revised during that period, the court shall
 1-42 order the report and recommendations on receiving the application.

1-43 SECTION 4. Section 593.050(d), Health and Safety Code, is
 1-44 amended to read as follows:

1-45 (d) The Texas Rules of Evidence apply. The results of the
 1-46 determination of an intellectual disability and the current
 1-47 interdisciplinary team report and recommendations, except in the
 1-48 case of a long-term placement under Section 593.0511, shall be
 1-49 presented in evidence.

1-50 SECTION 5. Subchapter C, Chapter 593, Health and Safety
 1-51 Code, is amended by adding Section 593.0511 to read as follows:

1-52 Sec. 593.0511. LONG-TERM PLACEMENT WITHOUT
 1-53 INTERDISCIPLINARY TEAM RECOMMENDATION. A court may commit a
 1-54 proposed patient to long-term placement in a residential care
 1-55 facility without an interdisciplinary team recommendation under
 1-56 Section 593.013 if the court determines beyond a reasonable doubt
 1-57 that the placement is appropriate.

1-58 SECTION 6. Section 593.052(a), Health and Safety Code, is
 1-59 amended to read as follows:

1-60 (a) A proposed resident may not be committed to a

2-1 residential care facility unless:
2-2 (1) the proposed resident is a person with an
2-3 intellectual disability;
2-4 (2) a petition to the court to issue a commitment order
2-5 by the guardian of the proposed resident or, if the proposed
2-6 resident is a minor, the parent of the proposed resident or the
2-7 current interdisciplinary team report and recommendations, if
2-8 applicable, show [~~evidence is presented showing~~] that because of
2-9 the proposed resident's intellectual disability, the proposed
2-10 resident:
2-11 (A) represents a substantial risk of physical
2-12 impairment or injury to the proposed resident or others; or
2-13 (B) is unable to provide for and is not providing
2-14 for the proposed resident's most basic personal physical needs;
2-15 (3) the proposed resident cannot be adequately and
2-16 appropriately habilitated in an available, less restrictive
2-17 setting; and
2-18 (4) the residential care facility provides
2-19 habilitative services, care, training, and treatment appropriate
2-20 to the proposed resident's needs.
2-21 SECTION 7. This Act takes effect September 1, 2023.

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