

By: Truitt

H.B. No. 96

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the organization and operations of mental health and  
3 mental retardation services in this state, including the powers and  
4 duties of the Texas Department of Mental Health and Mental  
5 Retardation

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

7 SECTION 1. Section 533.035(e), Health and Safety Code, is  
8 amended to read as follows:

9 (e) The department, together with local mental health and  
10 mental retardation authorities and other interested persons shall  
11 develop and implement a plan that may not be effective before August  
12 31, 2006 whereby in [~~It~~] assembling a network of service providers,  
13 a local mental health and mental retardation authority may serve as  
14 a provider of last resort and only if the authority demonstrates to  
15 the department that:

16 (1) the authority has made every reasonable attempt to  
17 solicit the development of an available and appropriate provider  
18 base that is sufficient to meet the needs of consumers in its  
19 service area; and

20 (2) there is not a willing provider of the relevant  
21 services in the authority's service area or in the county where the  
22 provision of the services is needed.

23 SECTION 2. Section 533.035(b), Health and Safety Code, is  
24 amended to read as follows:

1           (b) The department, together with local mental health and  
2 mental retardation authorities and other interested persons shall  
3 develop and implement a plan that may not be effective before August  
4 31, 2006 whereby a [A] provider of services under the waiver program  
5 shall:

6                   (1) develop a person-directed plan and an individual  
7 program plan for each person who receives services from the  
8 provider under the waiver program;

9                   (2) perform justification and implementation  
10 functions for the plans described by Subdivision (1);

11                   (3) conduct case management under the waiver program,  
12 other than case management under Subsection (c)(4) in accordance  
13 with applicable state and federal laws; and

14                   (4) plan, coordinate, and review the provision of  
15 services to all persons who receive services from the service  
16 provider under the waiver program.

17           SECTION 3. This Act takes effect September 1, 2003.