

## **BILL ANALYSIS**

C.S.H.B. 2479  
By: Olivo  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, criteria exists regarding the admission of a person to voluntary mental retardation services. The current language addressing such admission is ambiguous and leaves room for misinterpretation of intention. According to the Parents Association for the Retarded of Texas (PART), residents who are not equipped to function in a community setting have been released from state schools without a legally authorized representative, and are often placed in unsafe environments. The degree to which a person suffers from mental retardation stands as the determining factor on how independent they will become. CSHB 2479 does not intend to remove the element of choice from care for the mentally retarded; it merely clarifies existing language to ensure that all qualified clients are able to select state schools as a method of care without undue pressure.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Mental Health and Mental Retardation in SECTION 1 (Sec. 593.0225, Health and Safety Code) of this bill.

### **ANALYSIS**

CSHB 2479 establishes that the Texas Board of Mental Health and Mental Retardation is required to admit an applicant regardless of any other factor if:

- the state school has sufficient bed space to accommodate the applicant;
- the applicant is eligible for Medicaid; and
- the state school would provide the least restrictive environment appropriate to the person's care.

Each state school is required to maintain a waiting list of applicants who desire voluntary admission to a state school yet are denied due to lack of space. CSHB 2479 requires the Texas Department of Mental Health and Mental Retardation to provide full disclosure regarding the criteria for admission to state schools, existing waiting lists for admission to state schools, and addresses and telephone numbers of each state school.

This Act applies only to an application filed on or after the effective date of this Act.

### **EFFECTIVE DATE**

September 1, 2003

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 2479 modifies the original version by removing the phrase "regardless of the recommendation of the interdisciplinary team" from Section 593.0225 (a).