

BILL ANALYSIS

Senate Research Center

S.B. 464
By: Nelson
Health & Human Services
8/25/2003
Enrolled

DIGEST AND PURPOSE

Currently, Texas law requires the Texas Department of Mental Health and Mental Retardation (MHMR) to complete an appeals process before installing a manager or management team to oversee a community center that fails to meet contract requirements, except when those failures endanger the life, health, or safety of a client. This allows an increased negative impact on the center and its clients from negligent management. S.B. 464 retains a center's ability to appeal, but allows MHMR to appoint a manager or management team to oversee a center prior to the determination of an appeal if it determines that federal or state money has been misused or the life, health, or safety of a client is endangered.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsections (a) and (b), Section 534.038, Health and Safety Code, as follows:

(a) Redesignates Subdivision (1) as part of the body of Subsection (a) and deletes Subdivision (2). Redesignates Subsections (A) - (H) as Subdivisions (1) - (8).

(d) Authorizes a community center to appeal the appointment of a management team as prescribed by Texas Board of Mental Health and Mental Retardation (MHMR) rule, which would stay the appointment unless the commissioner of mental health determines that federal or state money has been misused, or the life, health, or safety of a client is endangered. Deletes existing text that voided the stay of appointment based on a finding under Subsection (a)(1)(d).

SECTION 2. Amends Subsections (b) and (c), Section 534.040, Health and Safety Code, as follows:

(b) Provides that the manager or management team's authority over the center continues until the factors listed under Section 534.038(a) no longer apply, rather than no longer exist. Deletes text regarding MHMR's cancellation of its contract with the center. Makes conforming changes.

(c) Makes conforming changes.

SECTION 3. Effective date: upon passage or September 1, 2003.