

BILL ANALYSIS

C.S.S.B. 464
By: Nelson
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Local Community Health Centers are responsible to the Texas Department of Mental Health and Mental Retardation, yet operate as autonomous facilities. In some cases, however, the local programs may be deemed to be mismanaged, either intentionally, recklessly or negligently. Currently, state officials have the ability to assume management of local facilities in such cases. However, this can only be done after the local centers exhaust a lengthy appeals process. During this period, however, the danger to the center and its clients from mismanagement still exists. C.S.S.B.464 would allow state officials to appoint a management team to oversee a center prior to a judgement on the merits of an appeal, if it determines that state funds are being misused or a client's health is endangered.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The Bill amends Section 534.038(a) and (d), Health and Safety Code. The bill allows the Commissioner to move quickly to assume management of a facility deemed to be mismanaged. The appeals process is still available to local MHMR officers, but in the interim, the facility may be managed by state officials.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Bill, as introduced, included language stating that the appeal stays the appointment unless the commissioner "determines that immediate intervention is in the department's best interest." The Substitute removes this language, clarifying that any intervention may only be taken in the case that state or federal money was misused or if the life, health or safety of a person served by the center is endangered.