

By: Delisi

H.B. No. 834

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appointment of a management team to manage and
3 operate a community center for mental health or mental retardation
4 services.

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

6 SECTION 1. Sections 534.038(a) and (d), Health and Safety
7 Code, are amended to read as follows:

8 (a) The commissioner may appoint a manager or management
9 team to manage and operate a community center if the commissioner
10 finds that ~~[+~~

11 ~~[(1)]~~ the center or an officer or employee of the
12 center:

13 (1) ~~[(A)]~~ intentionally, recklessly, or negligently
14 failed to discharge the center's duties under a contract with the
15 department;

16 (2) ~~[(B)]~~ misused state or federal money;

17 (3) ~~[(C)]~~ engaged in a fraudulent act, transaction,
18 practice, or course of business;

19 (4) ~~[(D)]~~ endangers or may endanger the life, health,
20 or safety of a person served by the center;

21 (5) ~~[(E)]~~ failed to keep fiscal records or maintain
22 proper control over center assets as prescribed by Chapter 783,
23 Government Code;

24 (6) ~~[(F)]~~ failed to respond to a deficiency in a

1 review or audit;

2 (7) [~~(G)~~] substantially failed to operate within the
3 functions and purposes defined in the center's plan; or

4 (8) [~~(H)~~] otherwise substantially failed to comply
5 with this subchapter or department rules [~~, and~~

6 [~~(2) contract sanctions and intervention with the~~
7 ~~local board of trustees failed to bring the center into compliance~~
8 ~~with the center's plan or contract]~~.

9 (d) The center may appeal the commissioner's decision to
10 appoint a manager or management team as prescribed by board rule.
11 The filing of a notice of appeal stays the appointment unless the
12 commissioner determines that immediate intervention is in the
13 department's best interest [~~based the appointment on a finding~~
14 ~~under Subsection (a)(1)(D)].~~

15 SECTION 2. Sections 534.040(b) and (c), Health and Safety
16 Code, are amended to read as follows:

17 (b) The authority of the manager or management team
18 continues until[+]

19 [~~(1)~~] the commissioner determines that the relevant
20 factors listed under Section 534.038(a) [~~534.038(a)(1)~~] no longer
21 apply [~~exist, or~~

22 [~~(2) the department cancels its contract with the~~
23 ~~center]~~.

24 (c) Following a determination under Subsection (b)
25 [~~(b)(1)~~], the commissioner shall terminate the authority of the
26 manager or management team and restore authority to manage and
27 operate the center to the center's authorized officers and

1 employees.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2003.