

By: Olivo

H.B. No. 2479

A BILL TO BE ENTITLED

AN ACT

relating to criteria for voluntary admission to state schools for persons with mental retardation.

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

SECTION 1. Subchapter B, Chapter 593, Health and Safety Code, is amended by adding Section 593.0225 to read as follows:

Sec. 593.0225. CRITERIA FOR VOLUNTARY ADMISSION; WAITING LIST. (a) The board by rule shall provide that a state school shall admit any person with mental retardation for whom an application for voluntary admission is filed, regardless of the recommendation of the interdisciplinary team, if:

(1) the state school has sufficient bed space for the person to be admitted for care;

(2) the person is eligible to receive Medicaid benefits; and

(3) the state school would provide the least restrictive environment appropriate to the person's care.

(b) Each state school shall maintain a waiting list of persons who desire voluntary admission to a state school and who were denied admission because of lack of bed space.

(c) The department shall ensure that persons seeking state services for a person with mental retardation are informed of the criteria established in rules adopted under Subsection (a), of the waiting list required by Subsection (b), and of the addresses and

1 telephone numbers of each state school.

2 (d) The board may adopt rules to facilitate the application
3 process for voluntary admission to a state school, the maintenance
4 of the waiting list required by Subsection (b), and the provision of
5 information as required by Subsection (c).

6 SECTION 2. The Texas Department of Mental Health and Mental
7 Retardation shall ensure that persons on a waiting list maintained
8 by a mental retardation authority for admission to a state school
9 are informed of:

10 (1) criteria established in rules adopted under
11 Section 593.0225, Health and Safety Code, as added by this Act;

12 (2) the waiting lists required by that section; and

13 (3) the address and telephone number of each state
14 school.

15 SECTION 3. This Act takes effect September 1, 2003, and
16 applies to an application for voluntary admission filed on or after
17 that date. An application for voluntary admission filed before
18 that date is governed by the law in effect on the date the
19 application was filed, and that law is continued in effect for that
20 purpose.