

By: Hughes

H.C.R. No. 160

CONCURRENT RESOLUTION

1 WHEREAS, Choices Adolescent Treatment Center, Inc., alleges
2 that:

3 (1) it is located in Marshall, Texas, and it has been
4 serving the children of East Texas who suffer from chemical
5 dependency since 1992;

6 (2) February 9, 1994, the center registered with the
7 Texas Secretary of State as a limited liability company under the
8 name Choices Adolescent Center, L.L.C.;

9 (3) since October 21, 1994, the center has been
10 registered as a nonprofit corporation under the name Choices
11 Adolescent Treatment Center, Inc.;

12 (4) before 1994, the center operated as a partnership
13 under the name Choices Adolescent Center;

14 (5) in Lufkin, Texas, a facility that also treats
15 children with chemical dependency is operating under a similar
16 name, Choices Adolescent Center, causing much confusion;

17 (6) Choices Adolescent Center in Lufkin is operated by
18 the Burke Center, which is a community facility originally licensed
19 by the Texas Department of Mental Health and Mental Retardation and
20 the Texas Commission on Alcohol and Drug Abuse and now subject to
21 regulation by the Department of State Health Services;

22 (7) on March 30, 1995, Choices Adolescent Center in
23 Lufkin filed an assumed name certificate in the public records of
24 Angelina County representing that the community facility, as a

1 governmental entity, was doing business as Choices Adolescent
2 Center;

3 (8) Choices Adolescent Center in Lufkin maintains its
4 business in a separate facility and advertises and is recognized by
5 the community under that name;

6 (9) Choices Adolescent Center, Inc., has received
7 several complaints filed by patients with the Texas Commission on
8 Alcohol and Drug Abuse regarding services actually rendered to the
9 patients by Choices Adolescent Center in Lufkin, which indicates a
10 high degree of confusion not only by the general public but also
11 with the former Texas Commission on Alcohol and Drug Abuse in
12 delineating between the two facilities; and

13 (10) Choices Adolescent Center, Inc., reserved the
14 right to use its name with the Texas Secretary of State long before
15 Choices Adolescent Center in Lufkin began using its assumed name;
16 now, therefore, be it

17 RESOLVED by the Legislature of the State of Texas, That
18 Choices Adolescent Treatment Center, Inc., is granted permission to
19 sue the State of Texas and the Department of State Health Services,
20 as the successor of the Texas Department of Mental Health and Mental
21 Retardation and the Texas Commission on Alcohol and Drug Abuse, for
22 appropriate relief ordered subject to the provisions of Chapter 37,
23 Civil Practice and Remedies Code, subject to Chapter 107, Civil
24 Practice and Remedies Code; and, be it further

25 RESOLVED, That the action authorized by this concurrent
26 resolution may be brought solely for injunctive or other equitable
27 relief against the Department of State Health Services, as the

1 successor of the Texas Department of Mental Health and Mental
2 Retardation and the Texas Commission on Alcohol and Drug Abuse, for
3 the use of the name, Choices Adolescent Center, and that monetary
4 damages may not be recovered in the action; and, be it further

5 RESOLVED, That the commissioner of state health services be
6 served process as provided by Section 107.002(a)(3), Civil Practice
7 and Remedies Code.