

By: Carona

S.B. No. 361

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of information relating to the programs  
3 and services available for persons with mental retardation seeking  
4 residential services.

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

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

8 Sec. 593.0225. RESIDENTIAL PROGRAM AND SERVICE  
9 INFORMATION. (a) The Department of Aging and Disability Services  
10 shall provide to an individual with mental retardation seeking  
11 residential services or to the individual's legally authorized  
12 representative a clear explanation of programs and services for  
13 which the individual is determined to be eligible, including state  
14 schools, community ICF-MRs, waiver services under Section 1915(c)  
15 of the federal Social Security Act (42 U.S.C. Section 1396n),  
16 community mental retardation services, or other services. The  
17 department must offer a state school as an option among the  
18 residential services available to an individual who is eligible for  
19 those services and who meets the department's criteria for state  
20 school admission, regardless of whether other residential services  
21 are available to the individual. The department shall endeavor to  
22 provide as wide a set of options for residential services as  
23 practicable and as are consistent with the individual's service  
24 needs.

1       (b) The department shall ensure that the determination of  
2 the least restrictive environment is made on an individual basis  
3 and that a state school may be determined to be an appropriate least  
4 restrictive environment for some individuals.

5       (c) The department shall document in the department's  
6 records regarding the individual the options for programs and  
7 services that were discussed with the individual. The individual  
8 or the individual's legally authorized representative must sign the  
9 documentation required by this subsection.

10       (d) The department shall inform local mental retardation  
11 authorities of the requirements of this section.

12       SECTION 2. This Act takes effect September 1, 2005.