

By: Carona

S.B. No. 361

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 executive commissioner of the Health and Human Services Commission by rule shall provide that a state school shall admit any person with mental retardation for whom an application for voluntary admission is filed 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 alternative, as that term is defined by Section 591.005.

(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 of Aging and Disability Services shall ensure that persons seeking state services for a person with mental retardation are informed of the criteria established in rules

1 adopted under Subsection (a), of the waiting list required by
2 Subsection (b), and of the addresses and telephone numbers of each
3 state school.

4 (d) The executive commissioner of the Health and Human
5 Services Commission may adopt rules to facilitate the application
6 process for voluntary admission to a state school, the maintenance
7 of the waiting list required by Subsection (b), and the provision of
8 information as required by Subsection (c).

9 SECTION 2. The Department of Aging and Disability Services
10 shall ensure that persons on a waiting list maintained by a mental
11 retardation authority for admission to a state school are informed
12 of:

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

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

16 (3) the address and telephone number of each state
17 school.

18 SECTION 3. The executive commissioner of the Health and
19 Human Services Commission shall adopt rules to implement Section
20 593.0225, Health and Safety Code, as added by this Act, as soon as
21 practicable.

22 SECTION 4. Section 593.0225, Health and Safety Code, as
23 added by this Act, applies to an application for voluntary
24 admission to a state school that is filed on or after September 1,
25 2005, or that is pending on that date.

26 SECTION 5. This Act takes effect September 1, 2005.