

1-1 By: Carona S.B. No. 361  
1-2 (In the Senate - Filed February 4, 2005; February 15, 2005,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; April 14, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 April 14, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 361 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the provision of information relating to the programs  
1-11 and services available for persons with mental retardation seeking  
1-12 residential services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 593, Health and Safety  
1-15 Code, is amended by adding Section 593.0225 to read as follows:

1-16 Sec. 593.0225. RESIDENTIAL PROGRAM AND SERVICE  
1-17 INFORMATION. (a) The Department of Aging and Disability Services  
1-18 shall provide to an individual with mental retardation seeking  
1-19 residential services or to the individual's legally authorized  
1-20 representative a clear explanation of programs and services for  
1-21 which the individual is determined to be eligible, including state  
1-22 schools, community ICF-MRs, waiver services under Section 1915(c)  
1-23 of the federal Social Security Act (42 U.S.C. Section 1396n),  
1-24 community mental retardation services, or other services. The  
1-25 department must offer a state school as an option among the  
1-26 residential services available to an individual who is eligible for  
1-27 those services and who meets the department's criteria for state  
1-28 school admission, regardless of whether other residential services  
1-29 are available to the individual. The department shall endeavor to  
1-30 provide as wide a set of options for residential services as  
1-31 practicable and as are consistent with the individual's service  
1-32 needs.

1-33 (b) The department shall ensure that the determination of  
1-34 the least restrictive environment is made on an individual basis  
1-35 and that a state school may be determined to be an appropriate least  
1-36 restrictive environment for some individuals.

1-37 (c) The department shall document in the department's  
1-38 records regarding the individual the options for programs and  
1-39 services that were discussed with the individual. The individual  
1-40 or the individual's legally authorized representative must sign the  
1-41 documentation required by this subsection.

1-42 (d) The department shall inform local mental retardation  
1-43 authorities of the requirements of this section.

1-44 SECTION 2. This Act takes effect September 1, 2005.

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