

BILL ANALYSIS

S.B. 1870
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Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the personnel of state-supported intermediate care facilities for people with mental retardation (ICF-MR) are responsible for administering the community living options process (process) annually, to residents age 22 and older ("adults") who live in an ICF-MR. The process was established as a mechanism to inform persons with mental retardation and related conditions and their legally authorized representatives about alternative community living options. Although the process is only required to be administered once annually, an individual, or the individual's representative, may request the process at any other time.

S.B. 1870 requires the Department of Aging and Disability Services (department) to contract with local mental retardation authorities to implement the community living options information process. The bill also requires the process to be conducted free of conflicts of interest so that it provides the maximum benefit to adults with a mental retardation or related conditions and their families.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02443, IMPLEMENTATION OF COMMUNITY LIVING OPTIONS INFORMATION PROCESS AT STATE INSTITUTIONS. The bill defines "adult resident," "department," "legally authorized representative," "local mental retardation authority," and "state school."

S.B. 1870 provides that this section applies only to the community living options information process for an adult resident.

The bill requires the Department of Aging and Disability Services (department) to contract with local mental retardation authorities to implement the community living options information process required by Section 531.02442 (Community Living Options Information Process for Certain Persons with Mental Retardation) for an adult resident.

The bill provides that the contract with the local mental retardation authority: delegate to the local mental retardation authority the department's duties under Section 531.02442 with regard to the implementation, at a state school, of the community living options information process; include performance measures designed to assist the department in evaluating the effectiveness of a local mental retardation authority in implementing the community living options information process; and ensure that the local mental retardation authority provides service coordination and relocation services to an adult resident who chooses, is eligible for, and is recommended by the interdisciplinary team for a community living option to facilitate a successful transition from the state school to community living option.

The bill requires the department, with the advice and assistance of the interagency task force on ensuring appropriate care settings for persons with disabilities and representatives of family members or legally authorized representatives of adult residents, persons with mental retardation, state schools, and local mental retardation authorities, to develop an effective community living options information process; create uniform procedures for the implementation of the community

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living option process; and minimize any potential conflict of interest regarding the community living options information process between a state school and an adult resident, the adult resident's legally authorized representative, or a local mental retardation authority.

The bill requires a state school to: allow a local mental retardation authority to participate in the interdisciplinary planning process involving the consideration of community living options for an adult resident; to the extent not otherwise prohibited by state or federal confidentiality laws, provide a local mental retardation authority with access to an adult resident and an adult resident's records to assist the authority in implementing the community records to assist the authority in implementing the community living options information process; and provide the adult resident or the adult's resident's legally authorized representative with accurate information regarding the risks of moving the adult resident to a community living option.

S.B. 1870 authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is obtained.

EFFECTIVE DATE

September 1, 2007.