

By: Burnam

H.C.R. No. 155

Substitute the following for H.C.R. No. 155:

By: Madden

C.S.H.C.R. No. 155

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, Farhat Chishty and Aqueel Chishty, both
2 individually and as next friend for their son, Haseeb Chishty,
3 allege that:

4 (1) Haseeb Chishty was a disabled adult resident of
5 the Denton State School, which is under the jurisdiction of the
6 Department of Aging and Disability Services;

7 (2) Kevin Miller was a direct care aide employed at the
8 Denton State School;

9 (3) the Department of Aging and Disability Services
10 and the Denton State School had prior knowledge of Kevin Miller's
11 inappropriate behavior toward mentally retarded and physically
12 handicapped residents;

13 (4) although Kevin Miller was not terminated for his
14 inappropriate behavior, he was placed on decision making leave;

15 (5) when Kevin Miller returned from decision making
16 leave, the Denton State School transferred him to the housing unit
17 in which Haseeb Chishty resided;

18 (6) the Denton State School also had prior knowledge
19 of illicit drug use by direct care aides and other Denton State
20 School employees;

21 (7) the Denton State School failed to remove Kevin
22 Miller from the environment in which Haseeb Chishty resided and
23 failed to have or to enforce policies to protect Haseeb Chishty and
24 allowed Haseeb Chishty to reside in a dangerous environment;

1 (8) some time before September 27, 2002, Kevin Miller
2 physically abused Haseeb Chishty and as a result, Haseeb Chishty
3 sustained life-threatening injuries to his lower abdomen and pelvic
4 area which have left him unable to eat on his own, speak, walk, or
5 interact with his family;

6 (9) Kevin Miller may have been in a drug-induced state
7 at the time he abused Haseeb Chishty;

8 (10) the Department of Aging and Disability Services
9 and the Denton State School attempted to conceal the source of
10 Haseeb Chishty's injuries by asserting they were caused by a
11 vehicle safety belt in August 2002;

12 (11) on or about January 27, 2003, the Department of
13 Aging and Disability Services and the Denton State School informed
14 Farhat Chishty that her son may have been physically abused by an
15 employee who was, at the time the information was provided, on leave
16 of absence status;

17 (12) Kevin Miller was on leave of absence in January
18 2003, and when he returned to the Denton State School from his leave
19 of absence, he was permitted to work with Haseeb Chishty, even
20 though the Denton State School knew that Kevin Miller may have been
21 responsible for Haseeb Chishty's abuse; and

22 (13) the Chishty family is entitled to an award for
23 damages, including actual medical expenses, interest on any amounts
24 due as may be authorized by law, and exemplary damages; now,
25 therefore, be it

26 RESOLVED by the Legislature of the State of Texas, That
27 Farhat Chishty and Aqueel Chishty, both individually and as next

1 friend for their son, Haseeb Chishty, are granted permission to sue
2 the State of Texas, the Department of Aging and Disability
3 Services, and the Denton State School subject to Chapter 107, Civil
4 Practice and Remedies Code; and, be it further

5 RESOLVED, That the commissioner of aging and disability
6 services and the superintendent of the Denton State School be
7 served process as provided by Section 107.002(a)(3), Civil Practice
8 and Remedies Code.