

By: Zaffirini, Deuell

S.B. No. 1870

A BILL TO BE ENTITLED

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AN ACT

relating to the implementation of the community living options information process for certain adults with mental retardation at certain institutions.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02443 to read as follows:

Sec. 531.02443. IMPLEMENTATION OF COMMUNITY LIVING OPTIONS INFORMATION PROCESS AT STATE INSTITUTIONS FOR CERTAIN ADULT RESIDENTS. (a) In this section:

(1) "Adult resident" means a person with mental retardation who:

(A) is at least 22 years of age; and

(B) resides in a state school.

(2) "Department" means the Department of Aging and Disability Services.

(3) "Legally authorized representative" has the meaning assigned by Section 241.151, Health and Safety Code.

(4) "Local mental retardation authority" has the meaning assigned by Section 531.002, Health and Safety Code.

(5) "State school" has the meaning assigned by Section 531.002, Health and Safety Code.

(b) This section applies only to the community living options information process for an adult resident.

1 (c) The department shall contract with local mental
2 retardation authorities to implement the community living options
3 information process required by Section 531.02442 for an adult
4 resident.

5 (d) The contract with the local mental retardation
6 authority must:

7 (1) delegate to the local mental retardation authority
8 the department's duties under Section 531.02442 with regard to the
9 implementation of the community living options information process
10 at a state school;

11 (2) include performance measures designed to assist
12 the department in evaluating the effectiveness of a local mental
13 retardation authority in implementing the community living options
14 information process; and

15 (3) ensure that the local mental retardation authority
16 provides service coordination and relocation services to an adult
17 resident who chooses, is eligible for, and is recommended by the
18 interdisciplinary team for a community living option to facilitate
19 a timely, appropriate, and successful transition from the state
20 school to the community living option.

21 (e) The department, with the advice and assistance of the
22 interagency task force on ensuring appropriate care settings for
23 persons with disabilities and representatives of family members or
24 legally authorized representatives of adult residents, persons
25 with mental retardation, state schools, and local mental
26 retardation authorities, shall:

27 (1) develop an effective community living options

1 information process;

2 (2) create uniform procedures for the implementation
3 of the community living options information process; and

4 (3) minimize any potential conflict of interest
5 regarding the community living options information process between
6 a state school and an adult resident, an adult resident's legally
7 authorized representative, or a local mental retardation
8 authority.

9 (f) A state school shall:

10 (1) allow a local mental retardation authority to
11 participate in the interdisciplinary planning process involving
12 the consideration of community living options for an adult
13 resident;

14 (2) to the extent not otherwise prohibited by state or
15 federal confidentiality laws, provide a local mental retardation
16 authority with access to an adult resident and an adult resident's
17 records to assist the authority in implementing the community
18 living options information process; and

19 (3) provide the adult resident or the adult resident's
20 legally authorized representative with accurate information
21 regarding the risks of moving the adult resident to a community
22 living option.

23 SECTION 2. If before implementing any provision of this Act
24 a state agency determines that a waiver or authorization from a
25 federal agency is necessary for implementation of that provision,
26 the agency affected by the provision shall request the waiver or
27 authorization and may delay implementing that provision until the

1 waiver or authorization is granted.

2 SECTION 3. This Act takes effect September 1, 2007.