

1-1 By: Zaffirini S.B. No. 1870  
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 17, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 17, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1870 By: Zaffirini  
1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the implementation of the community living options  
1-11 information process for certain adults with mental retardation at  
1-12 certain institutions.

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

1-14 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
1-15 amended by adding Section 531.02443 to read as follows:

1-16 Sec. 531.02443. IMPLEMENTATION OF COMMUNITY LIVING OPTIONS  
1-17 INFORMATION PROCESS AT STATE INSTITUTIONS FOR CERTAIN ADULT  
1-18 RESIDENTS. (a) In this section:

1-19 (1) "Adult resident" means a person with mental  
1-20 retardation who:

1-21 (A) is at least 22 years of age; and

1-22 (B) resides in a state school.

1-23 (2) "Department" means the Department of Aging and  
1-24 Disability Services.

1-25 (3) "Legally authorized representative" has the  
1-26 meaning assigned by Section 241.151, Health and Safety Code.

1-27 (4) "Local mental retardation authority" has the  
1-28 meaning assigned by Section 531.002, Health and Safety Code.

1-29 (5) "State school" has the meaning assigned by Section  
1-30 531.002, Health and Safety Code.

1-31 (b) This section applies only to the community living  
1-32 options information process for an adult resident.

1-33 (c) The department shall contract with local mental  
1-34 retardation authorities to implement the community living options  
1-35 information process required by Section 531.02442 for an adult  
1-36 resident.

1-37 (d) The contract with the local mental retardation  
1-38 authority must:

1-39 (1) delegate to the local mental retardation authority  
1-40 the department's duties under Section 531.02442 with regard to the  
1-41 implementation of the community living options information process  
1-42 at a state school;

1-43 (2) include performance measures designed to assist  
1-44 the department in evaluating the effectiveness of a local mental  
1-45 retardation authority in implementing the community living options  
1-46 information process; and

1-47 (3) ensure that the local mental retardation authority  
1-48 provides service coordination and relocation services to an adult  
1-49 resident who chooses, is eligible for, and is recommended by the  
1-50 interdisciplinary team for a community living option to facilitate  
1-51 a timely, appropriate, and successful transition from the state  
1-52 school to the community living option.

1-53 (e) The department, with the advice and assistance of the  
1-54 interagency task force on ensuring appropriate care settings for  
1-55 persons with disabilities and representatives of family members or  
1-56 legally authorized representatives of adult residents, persons  
1-57 with mental retardation, state schools, and local mental  
1-58 retardation authorities, shall:

1-59 (1) develop an effective community living options  
1-60 information process;

1-61 (2) create uniform procedures for the implementation  
1-62 of the community living options information process; and

1-63 (3) minimize any potential conflict of interest

2-1 regarding the community living options information process between  
2-2 a state school and an adult resident, an adult resident's legally  
2-3 authorized representative, or a local mental retardation  
2-4 authority.

2-5 (f) A state school shall:

2-6 (1) allow a local mental retardation authority to  
2-7 participate in the interdisciplinary planning process involving  
2-8 the consideration of community living options for an adult  
2-9 resident;

2-10 (2) to the extent not otherwise prohibited by state or  
2-11 federal confidentiality laws, provide a local mental retardation  
2-12 authority with access to an adult resident and an adult resident's  
2-13 records to assist the authority in implementing the community  
2-14 living options information process; and

2-15 (3) provide the adult resident or the adult resident's  
2-16 legally authorized representative with accurate information  
2-17 regarding the risks of moving the adult resident to a community  
2-18 living option.

2-19 SECTION 2. If before implementing any provision of this Act  
2-20 a state agency determines that a waiver or authorization from a  
2-21 federal agency is necessary for implementation of that provision,  
2-22 the agency affected by the provision shall request the waiver or  
2-23 authorization and may delay implementing that provision until the  
2-24 waiver or authorization is granted.

2-25 SECTION 3. This Act takes effect September 1, 2007.

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