

BILL ANALYSIS

H.B. 748
By: Darby
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texans with a developmental disability and those with a dual diagnosis of a developmental disability plus mental illness currently access services through a variety of venues. Some Texans receive these services through state facilities, such as state schools and state hospitals, others through regional Mental Health and Mental Retardation (MHMR) centers, and others through private providers. Many receive services under the Medicaid waiver programs, but the waiting lists for qualified individuals remain long.

Current law separates regulation of service providers offering mental health services under the Department of State Health Services from regulation of those offering disability services under the Department of Aging and Disability Services. Community projects that operate independently from state facilities are charged with qualifying individuals for services and waiver programs and coordinating with private providers to provide information to consumers and their families about where services can be obtained. Neither MHMR service centers nor private providers can directly access the specialized services available at state residential facilities.

The current system presents unique obstacles to providing services to those with developmental disabilities and individuals with a dual diagnosis. Uniquely qualified professionals with expertise in serving individuals with developmental disabilities and dual diagnosis disorders may be present in a community, but if these professionals are employed by state facilities their expertise and services are unavailable to community service providers because of the separations set out in current law. H.B. 748 has as its goal a reduction in admissions to state hospitals and state schools by allowing clients to continue to live in the community and keep their homes despite the unique services they require.

H.B. 748 allows a state school to provide on an "as needed" basis these disability services to an individual who lives in the community.

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

H.B. 748 amends the Human Resources Code to authorize a person who provides disability services to contract with a state school or state center for the school or center to provide services and resources to support individuals with developmental disabilities, including individuals with dual diagnosis disorders.

H.B. 748 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and it authorizes the agency to delay implementation until that federal waiver or authorization is obtained.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.