

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 748  
By: Darby et al. (Duncan)  
Health & Human Services  
5/14/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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. This bill allows a state school to provide, on an "as needed" basis, services to an individual who lives in the community.

C.S.H.B. 748 amends current law relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.077, as follows:

Sec. 161.077. **CONTRACTS FOR SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.** Authorizes a person that 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.

(b) Authorizes a state school or state center, notwithstanding any other law, to provide nonresidential services to support an individual if the individual is receiving services in a program funded by the Department of Aging and Disability Services, meets the eligibility criteria for the intermediate care facility for persons with mental retardation program, and resides in the area in which the state school or state center is located; and the provision of services to the individual does not

interfere with the provision of services to a resident of the state school or state center.

SECTION 2. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 3. Effective date: upon passage or September 1, 2009.