

BILL ANALYSIS

S.B. 584
By: Van de Putte
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas law allows for individuals with disabilities, including veterans, to put up to \$250,000 in trust with the corpus and income of such a trust exempt from the support, maintenance, and treatment charges of state inpatient mental health facilities or residential care facilities. The funds held in such a trust can be used to assist individuals with disabilities with transitioning into and living in a community, thereby reducing the risk of unnecessary and repeated stays in a mental health or residential care facility. However, most of the intended beneficiaries of the trust exemption are unaware of the existence of such a trust because state mental health or residential care facilities are not required to provide notice of the exemption.

S.B. 584 requires residential care facilities and state-operated mental health facilities to provide written and oral notification that a trust that qualifies under certain provisions of the Health and Safety Code is not liable for the patient's or resident's support and requires the notice also to be attached to any request for payment for the patient's or resident's support.

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

S.B. 584 amends the Health and Safety Code to require a state-operated mental health facility, at the time a patient is admitted for voluntary or involuntary inpatient mental health services, to provide to the patient, and the parent if the patient is a minor or the guardian of the person of the patient, written notice, in the person's primary language, that the patient's trust is not liable for the patient's support if the trust meets conditions to qualify for such an exemption. The bill requires the facility, in addition, to ensure that, within 24 hours after the patient is admitted to the facility, the notification is explained to the patient orally, in simple, nontechnical terms in the patient's primary language, if possible, or through a means reasonably calculated to communicate with a patient who has an impairment of vision or hearing, if applicable. The bill requires the notice to also be attached to any request for payment for the patient's support.

S.B. 584 requires a residential care facility, at the time a resident is admitted to the facility, to provide to the resident, and the parent if the resident is a minor or the guardian of the person of the resident, written notice, in the person's primary language, that the resident's trust is not liable for the resident's support if the trust meets conditions to qualify for such an exemption. The bill requires the facility, in addition, to ensure that, within 24 hours after the resident is admitted to the facility, the notification is explained to the resident, and the parent if the resident is a minor or the guardian of the person of the resident orally, in simple, nontechnical terms in the person's primary language, if possible, or through a means reasonably calculated to communicate with a person who has an impairment of vision or hearing, if applicable. The bill requires the notice to also be attached to any request for payment for the resident's support.

EFFECTIVE DATE

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