

1-1 By: Darby, Herrero (Senate Sponsor - Duncan) H.B. No. 748
1-2 (In the Senate - Received from the House April 6, 2009;
1-3 April 27, 2009, read first time and referred to Committee on Health
1-4 and Human Services; May 18, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 748 By: Huffman

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the provision of services to certain individuals with
1-11 developmental disabilities by a state school or state center.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,
1-14 is amended by adding Section 161.077 to read as follows:

1-15 Sec. 161.077. CONTRACTS FOR SERVICES FOR INDIVIDUALS WITH
1-16 DEVELOPMENTAL DISABILITIES. (a) A person that provides disability
1-17 services may contract with a state school or state center for the
1-18 school or center to provide services and resources to support
1-19 individuals with developmental disabilities, including individuals
1-20 with dual diagnosis disorders.

1-21 (b) Notwithstanding any other law, a state school or state
1-22 center may provide nonresidential services to support an individual
1-23 if:

1-24 (1) the individual:

1-25 (A) is receiving services in a program funded by
1-26 the department;

1-27 (B) meets the eligibility criteria for the
1-28 intermediate care facility for persons with mental retardation
1-29 program; and

1-30 (C) resides in the area in which the state school
1-31 or state center is located; and

1-32 (2) the provision of services to the individual does
1-33 not interfere with the provision of services to a resident of the
1-34 state school or state center.

1-35 SECTION 2. If before implementing any provision of this Act
1-36 a state agency determines that a waiver or authorization from a
1-37 federal agency is necessary for implementation of that provision,
1-38 the agency affected by the provision shall request the waiver or
1-39 authorization and may delay implementing that provision until the
1-40 waiver or authorization is granted.

1-41 SECTION 3. This Act takes effect immediately if it receives
1-42 a vote of two-thirds of all the members elected to each house, as
1-43 provided by Section 39, Article III, Texas Constitution. If this
1-44 Act does not receive the vote necessary for immediate effect, this
1-45 Act takes effect September 1, 2009.

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