

By: King of Taylor

H.B. No. 3716

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an annual report regarding the death of certain
3 individuals with developmental disabilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,
6 is amended by adding Section 161.078 to read as follows:

7 Sec. 161.078. ANNUAL REPORT REGARDING THE DEATH OF CERTAIN
8 INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES. (a) The department
9 shall report annually regarding the deaths of individuals receiving
10 services from a state school or a person licensed or certified by
11 the department to provide services to persons with developmental
12 disabilities. The report may not include identifying information
13 relating to an individual, a state school, or a person licensed or
14 certified by the department. The report must include statistical
15 information developed by the department on the official causes of
16 death of persons with developmental disabilities using data from
17 reports provided under Subsection (b) and Section 252.134, Health
18 and Safety Code. The statistical information must specifically
19 identify the causes of deaths of individuals with developmental
20 disabilities and be easily understandable. Statistical information
21 developed under this subsection is not confidential. The department
22 shall publish the report on the department's Internet website.

23 (b) The executive commissioner shall adopt rules requiring
24 the submittal of a report regarding the death of a person with a

1 developmental disability receiving services from:

2 (1) a person, other than a person licensed under
3 Chapter 252, Health and Safety Code, licensed or certified by the
4 department to provide services to persons with developmental
5 disabilities; or

6 (2) a state school.

7 (c) The department shall correlate reports submitted under
8 Subsection (b) with death certificate information to develop data
9 relating to the:

10 (1) name and age of the deceased;

11 (2) official cause of death listed on the death
12 certificate;

13 (3) date, time, and place of death; and

14 (4) name and address of the person from whom the
15 individual received services.

16 (d) Except as provided by Subsection (a), a report received
17 under Subsection (b) and data developed under Subsection (c) are
18 confidential and not subject to the provisions of Chapter 552,
19 Government Code.

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

26 SECTION 3. This Act takes effect September 1, 2009.