

By: Olivo

H.B. No. 4695

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the collection and use of information relating to the
3 investigation and prevention of abuse, neglect, and exploitation in
4 certain facilities serving individuals with mental retardation in
5 an electronic database.

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

7 SECTION 1. Subchapter B, Chapter 531, Government Code, is
8 amended by adding Section 531.02446 to read as follows:

9 Sec. 531.02446. ABUSE, NEGLECT, AND EXPLOITATION
10 PREVENTION DATABASE. (a) The Department of Aging and Disability
11 Services and the Department of Family and Protective Services
12 jointly shall develop and maintain an electronic database to
13 collect and analyze information regarding the investigation and
14 prevention of abuse, neglect, and exploitation of individuals with
15 mental retardation who reside in a facility licensed under Chapter
16 252, Health and Safety Code, or in a group home or foster home at
17 which a Home and Community-based Services (HCS) provider provides
18 services.

19 (b) The information collected in the database regarding
20 investigations must be detailed, easily retrievable, and include
21 information relating to abuse, neglect, and exploitation
22 investigations and regulatory investigations performed by the
23 Department of Aging and Disability Services that may be sorted by
24 home, provider, and facility. The information collected must allow

1 the Department of Aging and Disability Services, in performing the
2 department's regulatory function, to identify a home, provider, or
3 facility that needs additional, intensive monitoring and
4 inspection.

5 (c) The electronic database must facilitate the entry of the
6 required information and the sharing of information between the
7 departments. At a minimum, the database must include the following
8 categories of information:

9 (1) the number of abuse, neglect, or exploitation
10 allegations received; and

11 (2) the number of allegations relating to a facility
12 or home substantiated through an investigation.

13 (d) Each allegation involving a unique individual in a
14 facility or home is considered a separate violation for purposes of
15 Subsection (c).

16 (e) The Department of Aging and Disability Services shall
17 ensure that information related to findings concerning failure to
18 comply with regulatory standards directly related to the prevention
19 of abuse, neglect, and exploitation in a facility licensed under
20 Chapter 252, Health and Safety Code, or a group or foster home at
21 which a Home and Community-based Services (HCS) provider provides
22 services is collected and stored in the database in a manner that
23 can be sorted by home, provider, and facility.

24 (f) The Department of Aging and Disability Services shall
25 maintain information in the database regarding the placement of
26 individuals transferred from a state school during the previous 12
27 months. At a minimum, this information must include the

1 individual's:

2 (1) severity of mental retardation;

3 (2) medical diagnosis and needs; and

4 (3) need for monitoring or attention to ensure the
5 individual receives sufficient care.

6 (g) The Department of Aging and Disability Services and the
7 Department of Family and Protective Services may not release or
8 distribute information in the database in a form that contains
9 personally identifiable information related to an individual in a
10 facility or home or to a victim of abuse, neglect, or exploitation.

11 SECTION 2. As soon as practicable after the effective date
12 of this Act, the Department of Aging and Disability Services and the
13 Department of Family and Protective Services shall develop the
14 database required by Section 531.02446, Government Code, as added
15 by this Act.

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