

By: Burnam, Kent

H.C.R. No. 22

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, Farhat Chishty as next friend for her son, Haseeb
2 Chishty, alleges that:

3 (1) Haseeb Chishty was a disabled adult resident of
4 the Denton State School, which is under the jurisdiction of the
5 Department of Aging and Disability Services;

6 (2) Kevin Miller was a direct care aide employed at the
7 Denton State School;

8 (3) the Department of Aging and Disability Services
9 and the Denton State School had prior knowledge of Kevin Miller's
10 inappropriate behavior toward mentally retarded and physically
11 handicapped residents;

12 (4) although Kevin Miller was not terminated for his
13 inappropriate behavior, he was placed on decision making leave;

14 (5) when Kevin Miller returned from decision making
15 leave, the Denton State School transferred him to the housing unit
16 in which Haseeb Chishty resided;

17 (6) the Denton State School also had prior knowledge
18 of illicit drug use by direct care aides and other Denton State
19 School employees;

20 (7) the Denton State School failed to remove Kevin
21 Miller from the environment in which Haseeb Chishty resided and
22 failed to have or to enforce policies to protect Haseeb Chishty and
23 allowed Haseeb Chishty to reside in a dangerous environment;

24 (8) some time before September 27, 2002, Kevin Miller

1 physically abused Haseeb Chishty and as a result, Haseeb Chishty
2 sustained life-threatening injuries to his lower abdomen and pelvic
3 area which have left him unable to eat on his own, speak, walk, or
4 interact with his family;

5 (9) Kevin Miller may have been in a drug-induced state
6 at the time he abused Haseeb Chishty;

7 (10) the Department of Aging and Disability Services
8 and the Denton State School attempted to conceal the source of
9 Haseeb Chishty's injuries by asserting they were caused by a
10 vehicle safety belt in August 2002;

11 (11) on or about January 27, 2003, the Department of
12 Aging and Disability Services and the Denton State School informed
13 Farhat Chishty that her son may have been physically abused by an
14 employee who was, at the time the information was provided, on leave
15 of absence status;

16 (12) Kevin Miller was on leave of absence in January
17 2003, and when he returned to the Denton State School from his leave
18 of absence, he was permitted to work with Haseeb Chishty, even
19 though the Denton State School knew that Kevin Miller may have been
20 responsible for Haseeb Chishty's abuse;

21 (13) the Chishty family is entitled to an award for
22 damages, including actual medical expenses, attorney's fees, and
23 interest on any amounts due as may be authorized by law; and

24 (14) damages may not exceed the limitation on damages
25 provided by Section 101.023(a), Civil Practice and Remedies Code,
26 for state agencies, excluding past and future medical bills and
27 attorney's fees; now, therefore, be it

1 RESOLVED by the Legislature of the State of Texas, That
2 Farhat Chishty as next friend for her son, Haseeb Chishty, is
3 granted permission to sue the State of Texas, the Department of
4 Aging and Disability Services, and the Denton State School subject
5 to Chapter 107, Civil Practice and Remedies Code; and, be it further

6 RESOLVED, That the commissioner of aging and disability
7 services and the superintendent of the Denton State School be
8 served process as provided by Section 107.002(a)(3), Civil Practice
9 and Remedies Code.