

1-1 By: Burnam, Kent (Senate Sponsor - Carona) H.C.R. No. 22
1-2 (In the Senate - Received from the House May 20, 2009;
1-3 May 21, 2009, read first time and referred to Committee on
1-4 Jurisprudence; May 23, 2009, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 23, 2009, sent to printer.)

1-6 HOUSE CONCURRENT RESOLUTION

1-7 WHEREAS, Farhat Chishty as next friend for her son, Haseeb
1-8 Chishty, alleges that:

1-9 (1) Haseeb Chishty was a disabled adult resident of
1-10 the Denton State School, which is under the jurisdiction of the
1-11 Department of Aging and Disability Services;

1-12 (2) Kevin Miller was a direct care aide employed at the
1-13 Denton State School;

1-14 (3) the Department of Aging and Disability Services
1-15 and the Denton State School had prior knowledge of Kevin Miller's
1-16 inappropriate behavior toward mentally retarded and physically
1-17 handicapped residents;

1-18 (4) although Kevin Miller was not terminated for his
1-19 inappropriate behavior, he was placed on decision making leave;

1-20 (5) when Kevin Miller returned from decision making
1-21 leave, the Denton State School transferred him to the housing unit
1-22 in which Haseeb Chishty resided;

1-23 (6) the Denton State School also had prior knowledge
1-24 of illicit drug use by direct care aides and other Denton State
1-25 School employees;

1-26 (7) the Denton State School failed to remove Kevin
1-27 Miller from the environment in which Haseeb Chishty resided and
1-28 failed to have or to enforce policies to protect Haseeb Chishty and
1-29 allowed Haseeb Chishty to reside in a dangerous environment;

1-30 (8) some time before September 27, 2002, Kevin Miller
1-31 physically abused Haseeb Chishty and as a result, Haseeb Chishty
1-32 sustained life-threatening injuries to his lower abdomen and pelvic
1-33 area which have left him unable to eat on his own, speak, walk, or
1-34 interact with his family;

1-35 (9) Kevin Miller may have been in a drug-induced state
1-36 at the time he abused Haseeb Chishty;

1-37 (10) the Department of Aging and Disability Services
1-38 and the Denton State School attempted to conceal the source of
1-39 Haseeb Chishty's injuries by asserting they were caused by a
1-40 vehicle safety belt in August 2002;

1-41 (11) on or about January 27, 2003, the Department of
1-42 Aging and Disability Services and the Denton State School informed
1-43 Farhat Chishty that her son may have been physically abused by an
1-44 employee who was, at the time the information was provided, on leave
1-45 of absence status;

1-46 (12) Kevin Miller was on leave of absence in January
1-47 2003, and when he returned to the Denton State School from his leave
1-48 of absence, he was permitted to work with Haseeb Chishty, even
1-49 though the Denton State School knew that Kevin Miller may have been
1-50 responsible for Haseeb Chishty's abuse;

1-51 (13) the Chishty family is entitled to an award for
1-52 damages, including actual medical expenses, attorney's fees, and
1-53 interest on any amounts due as may be authorized by law; and

1-54 (14) damages may not exceed the limitation on damages
1-55 provided by Section 101.023(a), Civil Practice and Remedies Code,
1-56 for state agencies, excluding past and future medical bills and
1-57 attorney's fees; now, therefore, be it

1-58 RESOLVED by the Legislature of the State of Texas, That
1-59 Farhat Chishty as next friend for her son, Haseeb Chishty, is
1-60 granted permission to sue the State of Texas, the Department of
1-61 Aging and Disability Services, and the Denton State School subject
1-62 to Chapter 107, Civil Practice and Remedies Code; and, be it further

1-63 RESOLVED, That the commissioner of aging and disability
1-64 services and the superintendent of the Denton State School be

H.C.R. No. 22
2-1 served process as provided by Section 107.002(a)(3), Civil Practice
2-2 and Remedies Code.

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