

By: Ellis

S.B. No. 2360

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reducing state school commitments and increasing
3 community services for persons with mental retardation.

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

5 SECTION 1. Section 533.0355(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) In adopting rules under this section, the executive
8 commissioner must include rules regarding the following local
9 mental retardation authority responsibilities:

- 10 (1) access;
- 11 (2) intake;
- 12 (3) eligibility functions;
- 13 (4) enrollment, initial person-centered assessment,
14 and service authorization;
- 15 (5) case management services for individuals
16 receiving services under a Home and Community-based Services (HCS)
17 waiver program;
- 18 (6) utilization management;
- 19 (7) [~~(6)~~] safety net functions, including crisis
20 management services and assistance in accessing facility-based
21 care;
- 22 (8) [~~(7)~~] service coordination functions;
- 23 (9) [~~(8)~~] provision and oversight of state general
24 revenue services;

1 (10) [~~(9)~~] local planning functions, including
2 stakeholder involvement, technical assistance and training, and
3 provider complaint and resolution processes; and

4 (11) [~~(10)~~] processes to assure accountability in
5 performance, compliance, and monitoring.

6 SECTION 2. Subchapter A, Chapter 553, Health and Safety
7 Code, is amended by adding Section 553.002 to read as follows:

8 Sec. 553.002. STATE SCHOOL CENSUS REQUIREMENTS. (a) In this
9 section:

10 (1) "Alleged offender resident" means a resident who:

11 (A) was committed to or transferred to a state
12 school under Chapter 46B or 46C, Code of Criminal Procedure, as a
13 result of being charged with or convicted of a criminal offense; or

14 (B) is a child committed to or transferred to a
15 state school under Chapter 55, Family Code, as a result of being
16 alleged by petition or having been found to have engaged in
17 delinquent conduct constituting a criminal offense.

18 (2) "Department" means the Department of Aging and
19 Disability Services.

20 (3) "Resident" means a person with mental retardation
21 who resides in a state school or the ICF-MR component of the Rio
22 Grande State Center.

23 (b) On or before September 1, 2013, the total census of
24 residents in state schools and the ICF-MR component of the Rio
25 Grande State Center may not exceed 3,000 residents, excluding
26 alleged offender residents, and the census of each state school may
27 not exceed 350 residents, excluding alleged offender residents.

1 (c) To achieve the census requirement under Subsection (b),
2 the department shall:

3 (1) reduce the total state school census by at least
4 500 residents on or before September 1, 2011; and

5 (2) identify at least 1,500 residents who can
6 transition to receiving services in the community through a Section
7 1915(c) waiver program and transition those residents not later
8 than September 1, 2013.

9 SECTION 3. (a) The Health and Human Services Commission and
10 the Department of Aging and Disability Services shall jointly
11 conduct a study regarding the feasibility of providing medical
12 assistance for long-term services and supports through the Medicaid
13 managed care program under Chapter 533, Government Code, to persons
14 with mental retardation who are eligible for that assistance.

15 (b) Not later than December 1, 2010, the Health and Human
16 Services Commission and the Department of Aging and Disability
17 Services shall submit a report regarding the results of the study to
18 the governor, the Legislative Budget Board, the lieutenant
19 governor, the speaker of the house of representatives, the Senate
20 Finance Committee, the Senate Health and Human Services Committee,
21 the House Appropriations Committee, and the House Human Services
22 Committee. The report must include:

23 (1) a cost-benefit analysis of providing medical
24 assistance to persons with mental retardation in the manner
25 described by Subsection (a) of this section;

26 (2) a proposal for the implementation of the provision
27 of that medical assistance if implementation is feasible; and

1 (3) a description of any legislative action necessary
2 to provide that medical assistance if implementation is feasible.

3 SECTION 4. Not later than January 1, 2010, the executive
4 commissioner of the Health and Human Services Commission shall
5 adopt rules relating to the provision of case management services
6 for individuals receiving services under a Home and Community-based
7 Services (HCS) waiver and shall ensure that this function is
8 transferred to local mental retardation authorities as quickly as
9 possible without disrupting the provision of services.

10 SECTION 5. This Act takes effect September 1, 2009.