

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB751 by Zaffirini (Relating to the use of restraints in state schools.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would add Chapter 592, Subchapter E, Use of Restraints in State Schools, to the Health and Safety Code. The bill would require the Executive Commissioner of the Health and Human Services Commission (HHSC) to adopt rules to ensure that a mechanical or physical restraint is not administered to a resident of a state school except in certain circumstances, that the administration of the restraint ends immediately once the imminent risk of physical injury abates, and that a mechanical or physical restraint is not administered to a resident as punishment or part of a behavior plan. The Executive Commissioner would be required to adopt rules prohibiting use of prone and supine holds except as transitional holds. The Executive Commissioner would be required to adopt rules by January 1, 2010.

The bill would prohibit the issuance of a standing order to administer on an as-needed basis mechanical or physical restraints to a resident of a state school and administration of a mechanical or physical restraint pursuant to a standing order.

The bill would prohibit use of a straitjacket to restrain a resident of a state school.

The bill would require a state school to report to the Executive Commissioner each incident in which a physical or mechanical restraint is administered to a state school resident.

This analysis assumes the rulemaking at HHSC can be accomplished using existing resources. The Department of Aging and Disability Services (DADS) indicates training materials would need to be modified to reflect the new rules and that these modifications can be made with existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, JI, LL