

BILL ANALYSIS

S.B. 49
By: Zaffirini
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Promoting Independence Plan, which serves as an analysis of the availability, application, and efficacy of existing community-based supports for persons with disabilities, primarily serves persons residing in nursing facilities, state supported living centers, and large community intermediate care facilities for persons with disabilities. Interested parties assert that because children under the care of the Department of Family and Protective Services (DFPS) who reside in a general residential operation are not included in the plan, there are fewer opportunities for these children to receive appropriate care in a community-based setting, and cite as an example of the problem the differences between the rates paid to families providing care to a foster child through services provided by DFPS and the relatively higher rates paid to families caring for a foster child covered by a home and community-based services Medicaid waiver.

The parties contend that if children with intellectual and developmental disabilities residing in general residential operations were included as part of the promoting independence plan population, they would have greater access to certain Medicaid waiver programs and community and family living options that would ensure their appropriate long-term support in the community. S.B. 49 seeks to ensure that these children have timely access to home and community-based services by amending current law relating to transitional living assistance and appropriate care settings for children with disabilities who reside in general residential operations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 49 amends the Government Code to require a health and human services agency, for purposes of determining the appropriateness of transfers of a person with a disability from an institution to an appropriate setting in the community and developing required strategies to prevent the unnecessary placement in an institution of a person with a disability who is living in the community but is in imminent risk of requiring placement in an institution because of a lack of community services, to presume the eligibility of a child residing in a general residential operation for transfer to an appropriate community-based setting. The bill defines "general residential operation" for this purpose as a child-care facility that provides care for more than 12 children for 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps. The bill redefines "institutional housing" for purposes of provisions relating to the voucher program for transitional living assistance for persons with disabilities to include a general residential operation.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.