

By: Klick

H.B. No. 3527

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the criteria and requirements for the closure,
3 consolidation, or consolidation plan of state supported living
4 centers.

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

6 SECTION 1. Section 533.083, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 533.083. CRITERIA FOR CREATION, CLOSURE, OR
9 CONSOLIDATION OF FACILITY. (a) The department shall establish
10 objective criteria for determining when a new, expanded or enhanced
11 program, service or facility may be needed and when a facility may
12 be closed or consolidated, and shall have authority to create,
13 close or consolidate such programs, services or facilities
14 accordingly.

15 (b) The executive commissioner by rule shall prescribe the
16 procedure the department must use in determining when a state
17 supported living center may be closed or consolidated with another
18 state supported living center. The rules shall require the
19 department to use a formula-based approach based on a state
20 supported living center's:

- 21 (1) changes in population;
22 (2) operating costs;
23 (3) costs per resident; and
24 (4) compliance with federal law.

1 (c) State supported living centers shall at all times be in
2 substantial compliance with the United States Department of Justice
3 Settlement Agreement Provisions.

4 (d) If the department determines that a state supported
5 living center must be closed or consolidated, the department shall
6 develop:

7 (1) a reasonable proposed timetable for actions
8 necessary to close or consolidate the center; and

9 (2) a strategy to minimize the adverse effects of
10 closure on the local community and the employees and residents of
11 the center, including job placement assistance.

12 (e) The department shall identify four or more state
13 supported living centers to begin closure and consolidation by
14 August 31, 2015.

15 SECTION 2. Subchapter D, Chapter 533, Health and Safety
16 Code, is amended by adding Section 533.0831 to read as follows:

17 Sec. 533.0831. CONSOLIDATION PLAN FOR STATE SUPPORTED
18 LIVING CENTERS. (a) Upon the closure of the seventh of the existing
19 thirteen state supported living centers, the department shall
20 establish a plan for the consolidation of the remaining centers.
21 The plan shall factor in:

22 (1) the remaining number of residents;

23 (2) projected future census;

24 (3) projected maintenance and operating budgets of the
25 remaining centers.

26 (b) The plan shall include a study to determine the most
27 appropriate, safe, and cost-effective facilities for remaining

1 residents. Consolidation of remaining facilities shall include
2 independent community living options information process,
3 independent relocation services, and independent ombudsman
4 services in all facilities.

5 (c) If the study determines that, as part of continuing
6 closure and consolidation expanded programs, enhanced services, a
7 community residence serving no more than four individuals or a
8 facility serving no more than six individuals is necessary, the
9 department shall expand, enhance, or establish new community-based
10 programs, services or facilities by entering into the following
11 contracts:

12 (1) one contract with the owner of the new and
13 accredited facility;

14 (2) one or more contracts with accredited and
15 qualified service providers to provide the health services that are
16 required by state law in a community-based program or facility; and

17 (3) one contract with an outside entity to perform
18 licensing, certification, accreditation, clinical and ethical
19 reviews of the required contracted services described by Subsection
20 (a)(2) and the new facility.

21 (d) An entity contracted under Subsection (a)(3) must
22 report to the appropriate agency or authority regarding the reviews
23 conducted by the entity.

24 SECTION 3. As soon as practicable after the effective date
25 of this Act, the executive commissioner of the Health and Human
26 Services Commission shall adopt rules required by Section
27 533.083(b), Health and Safety Code, as added by this Act.

1 SECTION 4. This Act takes effect September 1, 2013.