

By: Zaffirini, et al.  
(Burkett)

S.B. No. 49

A BILL TO BE ENTITLED

AN ACT

relating to transitional living assistance and appropriate care settings for children with disabilities who reside in general residential operations.

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

SECTION 1. Section 531.0244, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) For purposes of determining the appropriateness of transfers under Subsection (b)(3) and developing the strategies required by Subsection (b)(4), a health and human services agency shall presume the eligibility of a child residing in a general residential operation, as defined by Section 42.002, Human Resources Code, for transfer to an appropriate community-based setting.

SECTION 2. Subdivision (1), Subsection (a), Section 531.059, Government Code, is amended to read as follows:

(1) "Institutional housing" means:

(A) an ICF-MR, as defined by Section 531.002, Health and Safety Code;

(B) a nursing facility;

(C) a state hospital, state school, or state center maintained and managed by the Texas Department of Mental Health and Mental Retardation; ~~[or]~~

(D) an institution for the mentally retarded

1 licensed or operated by the Department of Family and Protective  
2 [~~and Regulatory~~] Services; or

3 (E) a general residential operation, as defined  
4 by Section 42.002, Human Resources Code.

5 SECTION 3. If before implementing any provision of this Act  
6 a state agency determines that a waiver or authorization from a  
7 federal agency is necessary for implementation of that provision,  
8 the agency affected by the provision shall request the waiver or  
9 authorization and may delay implementing that provision until the  
10 waiver or authorization is granted.

11 SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2013.