

By: Rodriguez

S.B. No. 1766

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

14       Sec. 533.0831. CONSOLIDATION PLAN FOR STATE SUPPORTED  
15 LIVING CENTERS. (a) Upon the closure of the seventh of the existing  
16 thirteen state supported living centers, the department shall  
17 establish a plan for the consolidation of the remaining centers.

18 The plan shall factor in:

19           (1) the remaining number of residents;

20           (2) projected future census;

21           (3) projected maintenance and operating budgets of the  
22 remaining centers.

23       (b) The plan shall include a study to determine the most  
24 appropriate, safe, and cost-effective facilities for remaining  
25 residents. Consolidation of remaining facilities shall include  
26 independent community living options information process,  
27 independent relocation services, and independent ombudsman

1 services in all facilities.

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

9 (1) one contract with the owner of the new and  
10 accredited facility;

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

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

18 (d) An entity contracted under Subsection (a)(3) must  
19 report to the appropriate agency or authority regarding the reviews  
20 conducted by the entity.

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

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