

By: Zaffirini

S.B. No. 2023

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the implementation of the community living options
3 information process for residents of certain facilities.

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

5 SECTION 1. Subchapter B, Chapter 531, Government Code, is
6 amended by adding Section 531.024435 to read as follows:

7 Sec. 531.024435. IMPLEMENTATION OF COMMUNITY LIVING
8 OPTIONS INFORMATION PROCESS AT PRIVATE INSTITUTIONS FOR CERTAIN
9 ADULT RESIDENTS. (a) In this section:

10 (1) "Adult resident" means a person with an
11 intellectual disability or a related condition who:

12 (A) is at least 22 years of age; and

13 (B) resides in a privately operated facility.

14 (2) "Department" means the Department of Aging and
15 Disability Services or its successor agency.

16 (3) "Legally authorized representative" has the
17 meaning assigned by Section 241.151, Health and Safety Code.

18 (4) "Local intellectual and developmental disability
19 authority" has the meaning assigned by Section 531.002, Health and
20 Safety Code.

21 (5) "Privately operated facility" means a facility
22 with at least nine beds that is licensed under Chapter 252, Health
23 and Safety Code, and is operated by a private entity.

24 (b) This section applies only to the community living

1 options information process for an adult resident.

2 (c) The department, with the advice and assistance of the
3 interagency task force on ensuring appropriate care settings for
4 persons with disabilities and representatives of family members or
5 legally authorized representatives of adult residents, persons
6 with an intellectual disability, privately operated facilities,
7 and local intellectual and developmental disability authorities,
8 shall:

9 (1) develop an effective community living options
10 information process;

11 (2) create uniform procedures for the implementation
12 of the community living options information process; and

13 (3) minimize any potential conflict of interest
14 regarding the community living options information process between
15 a privately operated facility and an adult resident, an adult
16 resident's legally authorized representative, or a local
17 intellectual and developmental disability authority.

18 (d) The department shall contract with local intellectual
19 and developmental disability authorities to implement the
20 community living options information process required by Section
21 531.02442 for an adult resident.

22 (e) The contract with the local intellectual and
23 developmental disability authority must:

24 (1) delegate to the local intellectual and
25 developmental disability authority the department's duties under
26 Section 531.02442 with regard to the implementation of the
27 community living options information process at a privately

1 operated facility;

2 (2) include performance measures designed to assist
3 the department in evaluating the effectiveness of a local
4 intellectual and developmental disability authority in
5 implementing the community living options information process; and

6 (3) ensure that the local intellectual and
7 developmental disability authority provides service coordination
8 and relocation services to an adult resident who chooses, is
9 eligible for, and is recommended by the interdisciplinary team for
10 a community living option to facilitate a timely, appropriate, and
11 successful transition from the privately operated facility to the
12 community living option.

13 (f) A privately operated facility shall:

14 (1) allow a local intellectual and developmental
15 disability authority to participate in the interdisciplinary
16 planning process involving the consideration of community living
17 options for an adult resident;

18 (2) to the extent not otherwise prohibited by state or
19 federal confidentiality laws, provide a local intellectual and
20 developmental disability authority with access to an adult resident
21 and an adult resident's records to assist the authority in
22 implementing the community living options information process; and

23 (3) provide the adult resident or the adult resident's
24 legally authorized representative with accurate information
25 regarding the risks of moving the adult resident to a community
26 living option.

27 SECTION 2. This Act takes effect September 1, 2017.