

By: Kolkhorst

S.C.R. No. 33

CONCURRENT RESOLUTION

1 WHEREAS, The State of Texas entered into a system-wide
2 settlement agreement (the "2009 Settlement Agreement") with the
3 U.S. Department of Justice in 2009 to resolve the department's
4 investigations of the 12 state-supported living centers operated by
5 the Texas Department of Aging and Disability Services, as well as
6 the Intermediate Care Facilities for Individuals with an
7 Intellectual Disability or Related Conditions component of the Rio
8 Grande State Center operated by the Texas Department of State
9 Health Services (collectively, the "Centers"); and

10 WHEREAS, As required by Section [111.003\(a\)\(2\)](#), Civil
11 Practice and Remedies Code, the Texas Legislature approved the 2009
12 Settlement Agreement in May 2009; and

13 WHEREAS, The State of Texas and the U.S. Department of
14 Justice have provisionally agreed to amend the 2009 Settlement
15 Agreement (the "Amended Agreement"), subject to legislative
16 approval; and

17 WHEREAS, The Amended Agreement restructures the monitoring
18 process, places greater focus on outcomes for the individuals
19 served by the Centers, and strengthens services for individuals who
20 move from a Center to live in community settings; and

21 WHEREAS, The Amended Agreement requires prior consent or
22 subsequent approval by the legislature; and

23 WHEREAS, The Amended Agreement provides the state with a
24 clear and achievable path to compliance that will enable the state

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1 to exit the agreement without costly litigation; now, therefore, be
2 it

3 RESOLVED, That the 85th Legislature of the State of Texas
4 hereby approve the Amended Agreement.