By:  Lucio S.B. No. 1552

(In the Senate - Filed March 5, 2019; March 14, 2019, read first time and referred to Committee on Health & Human Services; April 25, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 25, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Buckingham        X

Campbell          X

Flores            X

Johnson           X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1552 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to state supported living centers.

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

SECTION 1.  Subchapter A, Chapter 555, Health and Safety Code, is amended by adding Section 555.004 to read as follows:

Sec. 555.004.  ADDITIONAL METHODS TO PROTECT RIGHTS OF CENTER RESIDENTS. In addition to other methods required by law, rule, or policy to protect the rights of residents in centers, the executive commissioner shall:

(1)  develop formal methods to more fully educate executives, administrators, supervisors, and direct care professionals working at centers, residents of centers, guardians of those residents, and other actively involved persons on:

(A)  the rights of residents;

(B)  the health and medical obligations and responsibilities and the legal obligations and responsibilities toward residents of a center's executives, administrators, supervisors, and direct care professionals;

(C)  the types of specific needs and complex behavioral challenges of various populations of residents that may require additional support services, attention, and specialized training, including:

(i)  alleged criminal offenders, including sex offenders;

(ii)  residents living with dementia;

(iii)  residents living with trauma;

(iv)  aging or older residents; and

(v)  adolescent residents;

(D)  the circumstances under which a resident's or other person's rights may be restricted, the circumstances under which a resident's or other person's rights may not be restricted, and the processes and procedures that must be followed by the center and center staff to restrict a right; and

(E)  the manner in which a person may file a complaint;

(2)  specify processes and procedures that center staff must follow, including the completed and documented training center staff must receive to ensure that centers fully comply with laws, rules, and policies relating to:

(A)  the rights of residents;

(B)  the circumstances under which a resident's or other person's rights may be restricted, the circumstances under which a resident's or other person's rights may not be restricted, and the processes and procedures that must be followed by the center and center staff to restrict a right;

(C)  the types of specific needs and complex behavioral challenges of various populations of residents that may require additional support services, attention, and specialized training, including:

(i)  alleged criminal offenders, including sex offenders;

(ii)  residents living with dementia;

(iii)  residents living with trauma;

(iv)  aging or older residents; and

(v)  adolescent residents; and

(D)  the manner in which a person may file a complaint; and

(3)  establish formal practices, processes, and policies to implement statewide and local recruitment strategies for hiring direct care professionals, including the evaluation of recruiting practices for hiring center staff statewide and at each center and the development of action plans for when vacancy levels for direct care professional positions reach an established threshold, to ensure:

(A)  adequate staff coverage and an adequate ratio of direct care professionals to residents;

(B)  residents' protection and safety; and

(C)  residents' ability to exercise their rights.

SECTION 2.  Section 555.024, Health and Safety Code, is amended by adding Subsections (d-1) and (f) to read as follows:

(d-1)  In addition to the training provided to direct care employees under Subsections (a), (c), and (d), each center shall develop and implement additional initial and refresher specialized training for all executives, administrators, supervisors, and direct care professionals to support populations of residents that may require additional support services, attention, and specialized training, including:

(1)  alleged criminal offenders, including sex offenders;

(2)  residents living with dementia;

(3)  residents living with trauma;

(4)  aging or older residents; and

(5)  adolescent residents.

(f)  The executive commissioner by rule shall develop standards for the training provided to executives, administrators, supervisors, and direct care professionals under this section, including the length of the training and the manner in which the training is provided. In developing standards relating to the manner in which training is provided, the executive commissioner shall ensure that person-centered thinking is used as a foundation for all training, and that all training is competency-based, trauma-informed, and, to the extent possible, provided in an interactive manner such as on a one-on-one basis, by a group discussion, or by a demonstration.

SECTION 3.  The executive commissioner of the Health and Human Services Commission shall comply with Section 555.004, Health and Safety Code, as added by this Act, as soon as possible after the effective date of this Act.

SECTION 4.  (a)  Not later than January 1, 2020, each state supported living center shall develop and implement the additional training required by Section 555.024(d-1), Health and Safety Code, as added by this Act. Each state supported living center shall ensure that each direct care professional receives the additional training, regardless of when the professional was hired, not later than September 1, 2020.

(b)  Not later than January 1, 2020, the executive commissioner of the Health and Human Services Commission shall develop the training standards required by Section 555.024(f), Health and Safety Code, as added by this Act. The executive commissioner shall ensure that each state supported living center implements the training standards as soon as possible.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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