

By: Lucio

S.B. No. 1563

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;

1                   (ii) residents living with dementia;

2                   (iii) residents living with trauma;

3                   (iv) aging or older residents; and

4                   (v) adolescent residents;

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

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

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

16                   (A) the rights of residents;

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

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

26                   (i) alleged criminal offenders, including  
27 sex offenders;

1                   (ii) residents living with dementia;

2                   (iii) residents living with trauma;

3                   (iv) aging or older residents; and

4                   (v) adolescent residents; and

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

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

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

16                   (B) residents' protection and safety; and

17                   (C) residents' ability to exercise their rights.

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

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

27                   (1) alleged criminal offenders, including sex

1 offenders;

2 (2) residents living with dementia;

3 (3) residents living with trauma;

4 (4) aging or older residents; and

5 (5) adolescent residents.

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

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

21 SECTION 4. (a) Not later than January 1, 2022, each state  
22 supported living center shall develop and implement the additional  
23 training required by Section 555.024(d-1), Health and Safety Code,  
24 as added by this Act. Each state supported living center shall  
25 ensure that each direct care professional receives the additional  
26 training, regardless of when the professional was hired, not later  
27 than September 1, 2022.

1           (b) Not later than January 1, 2022, the executive  
2 commissioner of the Health and Human Services Commission shall  
3 develop the training standards required by Section 555.024(f),  
4 Health and Safety Code, as added by this Act. The executive  
5 commissioner shall ensure that each state supported living center  
6 implements the training standards as soon as possible.

7           SECTION 5. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2021.