

PUBLIC COMMENTS

HB 1824

HOUSE COMMITTEE ON PUBLIC HEALTH

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Hearing Date: April 14, 2021 8:00 AM

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Laura Portales

Self

Houston, TX

You can do the same with HB 1646, explaining that not all drugs work the same and it is so important that healthcare professionals and patients make decisions on treatments and not insurance companies.

Kenneth Aitken, Mr

Self Retired

Friendswood, TX

Oppose!

Reyna Johnson

Self

Longview, TX

I believe people in disabled circumstances should never be subject to the testing of political gile, including state run hospitals or supported living centers. They should have our utmost respect and support.

Steve Rapp, Mr.

The Nonprofit Works

Austin, TX

Please vote no on this over reaching bill. Focus your attention on a better power grid that keeps us safe, warm and productive. I am a third generation centrist Republican. The government needs to stay out of our personal lives.

Richard B Swint

Swint Ent

Paris, TX

What does this mean???

Lee Spiller

Citizens Commission on Human Rights-Texas

Austin, TX

We are informed by another group, Disability Rights Texas that HB1824 has a committee substitute that establishes a number of

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more restrictive units for residents of State Supported Living Centers who exhibit certain behaviors. We have not seen a copy of any final Committee Sub that may come before this committee.

In reviewing DRTX's concerns on the proposed Committee Sub, we found that we share those concerns about the criteria, and exceptions to the criteria for placement in these units, which were in Section 11 of the document we reviewed.

We believe that persons being placed in restrictive settings, including but not limited to psychiatric or behavioral units have a right to robust due process protections, as well as meaningful criteria for being referred to these placements.

As we have not had the opportunity to review a final copy of the proposed Committee Sub, we do not have any idea as to whether these issues were addressed.

As our work with IDD populations is minimal, we defer to Disability Rights Texas on a number of issues regarding how the process works in SSLC's. But it is clear to us that just like any other individual proposed for involuntary treatment, the residents of these settings are vulnerable to biases and basic assumptions as to their mental state.

We are not attorneys, but in a general sense, the language we reviewed reminded us of two landmark cases in disability rights:

Youngberg v Romeo, in which the U.S. Supreme Court held, "Respondent has constitutionally protected liberty interests under the Due Process Clause of the Fourteenth Amendment to reasonably safe conditions of confinement, freedom from unreasonable bodily restraints, and such minimally adequate training as reasonably may be required by these interests."

And Olmstead v L.C., which stated in part, "Undue institutionalization qualifies as discrimination "by reason of ... disability." "

In more recent years, our state has made at least some progress in trying to get at least some residents into less restrictive settings; and addressing the issue of "bodily restraint" in some settings.

We believe the state should tread cautiously on any issue that represents a return to more restrictive placements. For this reason, we oppose HB1824.

Linda Logan

Texas Council for Developmental Disabilities

Austin, TX

House Committee on Public Health

Comments on House Bill 1824 by Rep. Four Price

April 14, 2021

Chair Klick and Members of the Committee,

Thank you for taking the time to read my testimony regarding House Bill (HB) 1824, relating to the continuity of services received by persons receiving services at state hospitals and state supported living centers (SSLCs). My name is Linda Logan and I am the Senior Public Policy Analyst for the Texas Council for Developmental Disabilities (TCDD), registering on the bill.

TCDD is established by state and federal law and is governed by 27 Governor-appointed board members, 60 percent of whom are individuals with developmental disabilities or family members of individuals with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

At its October 2020 Quarterly Council Meeting, the Council adopted the following as a Public Policy Priority for the 87th Texas Legislature:

Complex Mental Health Needs: Require health care providers statewide to know and be able to use evidence-based medical practices to treat individuals with intellectual and developmental disabilities who also have mental illness.

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TCDD questions as to whether HB 1824 as filed provides individuals receiving services at SSLCs with continuing protection of their due process rights. Furthermore, it is our understanding that substitute language will potentially be offered to allow for an associate commissioner to unilaterally transfer a resident to an alternative, higher security unit, because they “pose an imminent threat to others.” TCDD has strong concerns regarding the impact such an allowance would entail for an individual’s due process rights.

As introduced, HB 1824 does not appear to be consistent with the mission and goals of TCDD. We would suggest providing more specificity on how it offers a better alternative to existing SSLC services and how the rights of residents will be protected.

Thank you again for your attention to this testimony. Please do not hesitate to contact TCDD with any questions, or if we can provide any additional assistance.

Linda Logan, MPAff  
Senior Public Policy Analyst  
Texas Council for Developmental Disabilities

Michele Thompson  
self, retired  
Austin, TX

Pass HB 68 and protect our children.