

**House Bill 3121**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. This Act shall be known as Alec's Law.

SECTION 2. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 577A to read as follows:

CHAPTER 577A. PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 577A.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Psychiatric residential youth treatment facility" means a private facility that provides psychiatric health treatments and services in a residential, nonhospital setting exclusively to individuals who are 21 years of age or younger and that meets criteria to be licensed as a general residential operation under Chapter 42, Human Resources Code. The term includes a facility that provides room and board.

(4) "Severe emotional disturbance" means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits an individual's role or ability to function in family, school, or community activities.

Sec. 577A.002. EXEMPTIONS. This chapter does not apply to:

(1) a mental hospital; or

(2) a private mental hospital or other mental health facility licensed under Chapter 577.

Sec. 577A.003. LICENSING AND OTHER

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 577A to read as follows:

CHAPTER 577A. PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 577A.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Psychiatric residential youth treatment facility" means a private facility that provides psychiatric health treatments and services in a residential, nonhospital setting exclusively to individuals who are 21 years of age or younger and is licensed as a general residential operation under Chapter 42, Human Resources Code. The term includes a facility that provides room and board. [FA1(1)]

(4) "Severe emotional disturbance" means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits an individual's role or ability to function in family, school, or community activities.

Sec. 577A.002. EXEMPTIONS. This chapter does not apply to:

(1) a mental hospital; or

(2) a private mental hospital or other mental health facility licensed under Chapter 577.

Sec. 577A.003. LICENSING AND OTHER

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REQUIREMENTS NOT AFFECTED. This chapter does not affect any licensing or other requirements of a psychiatric residential youth treatment facility under Chapter 42, Human Resources Code.

Sec. 577A.004. RULES. The executive commissioner shall adopt rules necessary to implement this chapter.

SUBCHAPTER B. CERTIFICATION, FEES, AND INSPECTIONS

Sec. 577A.051. VOLUNTARY QUALITY STANDARDS CERTIFICATION. The commission shall develop and implement a voluntary quality standards certification process to certify a psychiatric residential youth treatment facility that meets standards for certification under this chapter.

Sec. 577A.052. CERTIFICATE APPLICATION. (a) To obtain a certificate under this chapter, an applicant must submit to the commission an application in the form and manner prescribed by the commission.

(b) Each application must be accompanied by a fee established by the executive commissioner under Section 577A.053.

Sec. 577A.053. FEES. The executive commissioner by rule shall establish a nonrefundable certificate application fee and a nonrefundable certificate renewal fee in amounts necessary to cover the costs of administering this chapter.

Sec. 577A.054. ISSUANCE AND RENEWAL OF CERTIFICATE. (a) The commission shall issue a certificate to an applicant if on inspection and investigation the commission determines the applicant meets the requirements of this chapter and commission rules.

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REQUIREMENTS NOT AFFECTED. This chapter does not affect any licensing or other requirements of or create a separate license for a psychiatric residential youth treatment facility under Chapter 42, Human Resources Code. [FA1(2)]

Sec. 577A.004. RULES. The executive commissioner shall adopt rules necessary to implement this chapter.

SUBCHAPTER B. CERTIFICATION, FEES, AND INSPECTIONS

Sec. 577A.051. VOLUNTARY QUALITY STANDARDS CERTIFICATION. The commission shall, using existing resources to the extent feasible, develop and implement a voluntary quality standards certification process to certify a psychiatric residential youth treatment facility that meets standards for certification under this chapter. [FA1(3)]

Sec. 577A.052. CERTIFICATE APPLICATION. (a) To obtain a certificate under this chapter, an applicant must submit to the commission an application in the form and manner prescribed by the commission.

(b) Each application must be accompanied by a fee established by the executive commissioner under Section 577A.053.

Sec. 577A.053. FEES. The executive commissioner by rule shall establish a nonrefundable certificate application fee and a nonrefundable certificate renewal fee in amounts necessary to cover the costs of administering this chapter.

Sec. 577A.054. ISSUANCE AND RENEWAL OF CERTIFICATE. (a) The commission shall issue a certificate to an applicant if on inspection and investigation the commission determines the applicant meets the requirements of this chapter and commission rules. The commission may not issue to an applicant a certificate under this chapter unless the applicant is licensed as a general residential operation

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(b) A certificate issued under this chapter expires on the second anniversary of the date the certificate is issued or renewed.

(c) The commission shall renew a certificate if:

(1) the certificate holder submits to the commission a fee established by the executive commissioner under Section 577A.053; and

(2) on inspection and investigation the commission determines the certificate holder meets the requirements of this chapter and commission rules.

Sec. 577A.055. INSPECTIONS. In addition to the inspections required under Section 577A.054, the commission shall conduct an inspection not later than the first anniversary of the date a certificate is issued or renewed to ensure the certificate holder remains in compliance with the requirements of this chapter and commission rules.

SUBCHAPTER C. REGULATION OF CERTIFIED PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

Sec. 577A.101. MINIMUM STANDARDS. The executive commissioner by rule shall establish minimum standards for the certification of psychiatric residential youth treatment facilities under this chapter. The minimum standards must require a facility to:

(1) obtain accreditation by The Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation, or another accrediting organization approved by the commission; and

(2) provide and prescribe guidelines for the provision of the following activities, treatments, and services:

(A) development and implementation of individual plans of

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under Chapter 42, Human Resources Code. [FA1(4)]

(b) A certificate issued under this chapter expires on the second anniversary of the date the certificate is issued or renewed.

(c) The commission shall renew a certificate if:

(1) the certificate holder submits to the commission a fee established by the executive commissioner under Section 577A.053; and

(2) on inspection and investigation the commission determines the certificate holder meets the requirements of this chapter and commission rules.

Sec. 577A.055. INSPECTIONS. In addition to the inspections required under Section 577A.054, the commission shall conduct an inspection not later than the first anniversary of the date a certificate is issued or renewed to ensure the certificate holder remains in compliance with the requirements of this chapter and commission rules.

SUBCHAPTER C. REGULATION OF CERTIFIED PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

Sec. 577A.101. MINIMUM STANDARDS. The executive commissioner by rule shall establish minimum standards for the certification of psychiatric residential youth treatment facilities under this chapter. The minimum standards must require a facility to:

(1) obtain accreditation by The Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation, or another accrediting organization approved by the commission; and

(2) provide and prescribe guidelines for the provision of the following activities, treatments, and services:

(A) development and implementation of individual plans of

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care, including the provision of services provided by a licensed psychiatrist or physician to develop individual plans of care;

(B) individual therapy;

(C) family engagement activities;

(D) consultation services with qualified professionals, including case managers, primary care professionals, community-based mental health providers, school staff, and other support planners;

(E) 24-hour nursing services; and

(F) direct care and supervision services, supportive services for daily living and safety, and positive behavior management services.

Sec. 577A.102. ADMISSION CRITERIA. A facility certified under this chapter may not admit or provide treatments or services to an individual unless the individual:

(1) is 21 years of age or younger;

(2) has been diagnosed with a severe emotional disturbance by a licensed mental health professional;

(3) requires residential psychiatric treatment under the direction of a licensed physician to improve the individual's condition; and

(4) was referred for treatments or services in a psychiatric residential youth treatment facility by a licensed mental health professional.

SUBCHAPTER D. ENFORCEMENT

Sec. 577A.151. PENALTIES. A facility certified under this chapter is subject to a civil penalty under Section 571.023 or an administrative penalty under Section 571.025, as applicable, for a violation of this chapter or a rule adopted under this chapter.

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care, including the provision of services provided by a licensed psychiatrist or physician to develop individual plans of care;

(B) individual therapy;

(C) family engagement activities;

(D) consultation services with qualified professionals, including case managers, primary care professionals, community-based mental health providers, school staff, and other support planners;

(E) 24-hour nursing services; and

(F) direct care and supervision services, supportive services for daily living and safety, and positive behavior management services.

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(4) was referred for treatments or services in a psychiatric residential youth treatment facility by a licensed mental health professional.

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SECTION 3. Section 577.002, Health and Safety Code, is amended to read as follows:

Sec. 577.002. EXEMPTIONS [~~FROM LICENSING REQUIREMENT~~]. (a) A mental health facility operated by the department or a federal agency need not be licensed under this chapter.

(b) This chapter does not apply to a psychiatric residential youth treatment facility certified under Chapter 577A.

No equivalent provision.

SECTION 4. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Chapter 577A, Health and Safety Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2021.

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SECTION 3. Same as House version.

SECTION \_\_. If the legislature does not appropriate money specifically for the purpose of implementing a provision of this Act, the Health and Human Services Commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose. [FA2]

SECTION 4. Same as House version.

SECTION 5. Same as House version.

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