

BILL ANALYSIS

Senate Research Center

S.B. 118
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Health & Human Services
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As Filed

DIGEST

Currently, Texas law does not provide for an initial period of intensive care services and support to families considering placement of a child in a nursing facility. In addition, many families with medically fragile children are unaware of available services. S.B. 118 creates a statewide mechanism to provide a 45- to 60-day period of intensive care services and support to enable the child to remain at home while the relevant state agencies (Texas Education Agency, Interagency Council on Early Childhood Intervention Services, and others) work with the family to identify service options for the child. This bill also sets forth requirements regarding the notification of state agencies by nursing facilities when a child is admitted.

PURPOSE

As proposed, S.B. 118 requires better notification among state health and human services agencies and state educational institutions regarding a child whose parents or guardian are considering placing the child in long-term care institutions, and requires the agencies to offer their services and/or information to the family. This bill creates a statewide services system for families considering placing a child in a long-term care facility. This bill also requires initial placement of a child in a long-term care facility to be temporary.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 242, Health and Safety Code, by adding Subchapter K, as follows:

SUBCHAPTER K. PLACEMENT OF CERTAIN CHILDREN IN INSTITUTION

Sec. 242.701. DEFINITIONS. Defines "child" and "community resource coordination group."

Sec. 242.702. PLACEMENT TEMPORARY. Prohibits an initial placement of a child with a developmental disability in an institution from exceeding 45 days. Authorizes the institution to readmit the child as agreed by the institution and the person making the placement.

Sec. 242.703. NOTIFICATION REQUIRED. Sets forth the conditions under which the institution is required to notify the community resource coordination group, school district where the institution is located, and the Texas Education Agency (TEA).

Sec. 242.704. DUTIES OF TEXAS EDUCATION AGENCY. Requires TEA to notify the Interagency Council on Early Childhood Intervention Services, not later than the second day after receiving notification, if the child placed is younger than 37 months of age.

Sec. 242.705. OFFER OF SERVICES. Authorizes an entity receiving notice of the initial placement of a child in an institution to contact the person making the placement to offer to provide relevant information relating to alternatives to institutional care.

Sec. 242.706. EFFECT ON OTHER LAW. Provides that this subchapter does not affect responsibilities imposed by federal or other state law on a physician or other professional.

SECTION 2. Amends Chapter 531B, Government Code, by adding Section 531.0245, as follows:

Sec. 531.0245. STATEWIDE SERVICES SYSTEM FOR CERTAIN CHILDREN. Requires the Commissioner of Health to develop a statewide services system for families considering placing a child in a long-term care facility. Requires the statewide services system to provide 60 days of intensive services and support for the child and the family to enable the child to remain at home during the 60-day period; and identify alternative care options for the child. Requires the appropriate health and human services agencies to implement the statewide services system at the direction of the commissioner. Defines "long-term care facility."

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.