

BILL ANALYSIS

Senate Research Center
77R8939 KLA-D

H.B. 2258
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

In 1999, the United States Supreme Court ruled in *L.C. and E.W. v Olmstead* that, in most cases, states must provide community-based services for disabled persons if treatment professionals determine that community-based services are appropriate and the person does not object to such placement. The number of nursing home residents who would need mental health and mental retardation services from the Texas Department of Mental Health and Mental Retardation (MHMR) as well as services from the Texas Department of Human Services (DHS) related to their medical needs to successfully transition into a community based setting is unknown. It is essential that residents with mental illness or mental retardation be identified to facilitate the development of transition plans which incorporate services from both agencies. H.B. 2258 requires DHS to develop a process to identify nursing home residents with a mental illness or mental retardation and share that information with MHMR.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 242F, Health and Safety Code, by adding Section 242.158, as follows:

Sec. 242.158. IDENTIFICATION OF CERTAIN NURSING HOME RESIDENTS REQUIRING MENTAL HEALTH OR MENTAL RETARDATION SERVICES. (a) Requires the Texas Department of Human Services (department) to identify each resident of a nursing home who has a mental illness or mental retardation before the resident makes a transition to a community-based care setting, regardless of whether the resident is receiving treatment or services for a mental illness or mental retardation.

(b) Requires the department to use identification processes to identify residents as required by this section that are at least as effective as the Preadmission Screening and Resident Review mental illness or mental retardation identification process.

(c) Requires the department to compile and provide to the Texas Department of Mental Health and Mental Retardation (MHMR) information regarding each resident identified as having a mental illness or mental retardation before the resident makes a transition from the nursing home to a community-based care setting.

(d) Requires MHMR to use the information provided under Subsection (c) to take certain actions.

SECTION 2. Effective date: September 1, 2001.