

BILL ANALYSIS

Senate Research Center
78R3952 JJT-D

C.S.S.B. 464
By: Nelson
Health & Human Services
2-26-2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas law requires the Texas Department of Mental Health and Mental Retardation (MHMR) to complete an appeals process before installing a manager or management team to oversee a community center that fails to meet contract requirements, except when those failures endanger the life, health, or safety of a client. This allows an increased negative impact on the center and its clients from negligent management. C.S.S.B. 464 retains a center's ability to appeal, but allows MHMR to appoint a manager or management team to oversee a center prior to the determination of an appeal if it determines that federal or state money has been misused or the life, health, or safety of a client is endangered. C.S.S.B. 464 also deletes contract sanctions language that already exists in the contract.

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 Sections 534.038(a) and (d), Health and Safety Code, as follows:

- (a) Redesignates Subdivision (1) as part of the body of Subsection (a) and deletes Subdivision (2). Redesignates Subsections (A) - (H) as Subdivisions (1) - (8).
- (d) Authorizes the community center to appeal the appointment of a management team as prescribed by Texas Board of Mental Health and Mental Retardation (MHMR) rule, which would stay the appointment unless the commissioner of mental health determines that federal or state money has been misused, or the life, health, or safety of a client is endangered. Deletes existing text that voided the stay of appointment based on a finding under Subsection (a)(1)(d).

SECTION 2. Amends Sections 534.040(b) and (c), Health and Safety Code, as follows:

- (b) Provides that the manager or management team's authority over the center end when the relevant issues no longer apply, rather than no longer exist, and deletes text ending the same authority by MHMR's cancellation of its contract with the center. Makes conforming changes.
- (c) Makes conforming changes.

SECTION 3. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1 on page 2, lines 12 and 13 by striking proposed text "determines that immediate intervention is in the department's best interest" and inserting "based the appointment on a finding under Subsection (a)(2) or (4)."