

BILL ANALYSIS

Senate Research Center
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S.B. 361
By: Carona
Health & Human Services
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Aging and Disability Services (DADS) does not maintain a waiting list for state schools. DADS does not recognize that for some clients state schools are the least restrictive residential setting and that full integration into the community is not a realistic goal. As proposed, S.B. 361 requires DADS to maintain a waiting list for state schools for clients eligible to receive Medicaid benefits and for whom the state school would provide the least restrictive setting.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 593.0225, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 593, Health and Safety Code, by adding Section 593.0225, as follows:

Sec. 593.0225. CRITERIA FOR VOLUNTARY ADMISSION; WAITING LIST. (a) Requires the executive commissioner of the Health and Human Services Commission (HHSC), by rule, to require a state school to admit any person with mental retardation for whom an application for voluntary admission is filed if certain conditions apply.

(b) Requires each state school to maintain a waiting list of persons who desire voluntary admission to a state school and who were denied admission because of lack of bed space.

(c) Requires the Department of Aging and Disability Services (DADS) to ensure that persons seeking state services for a person with mental retardation are informed of the criteria established in rules adopted under Subsection (a), of the waiting list required by Subsection (b), and of the addresses and telephone numbers of each state school.

(d) Requires the executive commissioner of HHSC to adopt rules to facilitate the application process for voluntary admission to a state school, the maintenance of the waiting list required by Subsection (b), and the provision of information as required by Subsection (c).

SECTION 2. Requires DADS to ensure that persons on a waiting list maintained by a mental retardation authority for admission to a state school are informed of certain information.

SECTION 3. Requires the executive commissioner of HHSC to adopt rules to implement Section 593.0225, Health and Safety Code, as added by this Act, as soon as practicable.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.