

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 361
By: Carona
Health & Human Services
4/13/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Aging and Disability Services (DADS) does not recognize that for some clients, state schools are the least restrictive residential setting and full integration into the community is not a realistic goal. C.S.S.B. 361 requires DADS to ensure that the determination of the least restrictive environment is made on an individual basis and that a state school may be determined as the appropriate least restrictive environment for some individuals.

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

Sec. 593.0225. RESIDENTIAL PROGRAM AND SERVICE INFORMATION. Requires the Department of Aging and Disability Services (DADS) to provide to an individual with mental retardation seeking residential services or to the individual's legally authorized representative a clear explanation of programs and services for which the individual is determined to be eligible, including state schools, community ICF-MRs [intermediate care facilities-mental retardation], waiver services under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n), community mental retardation services, or other services. Requires DADS to offer a state school as an option among the residential services available to an individual who is eligible for those services available to an individual who is eligible for those services and who meets the department's criteria for state school admission, regardless of whether other residential services are available to the individual. Requires DADS to endeavor to provide as wide a set of options for residential services as practicable and as are consistent with the individual's services needs.

(b) Requires DADS to ensure that the determination of the least restrictive environment is made on an individual basis and that a state school may be determined to be an appropriate least restrictive environment for some individuals.

(c) Requires DADS to document in its records regarding the individual the options for programs and services that were discussed with the individual. Requires the individual or the individual's legally authorized representative to sign the documentation required by this subsection.

(d) Requires DADS to inform local mental retardation authorities of the requirements of this section.

SECTION 2. Effective date: September 1, 2005.