

BILL ANALYSIS

Senate Research Center
81R1978 GCB-D

S.B. 584
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas law allows for individuals with disabilities, including veterans, to put up to \$250,000 in trust with the corpus and income of such trusts exempt from the support, maintenance, and treatment charges of state inpatient mental health facilities or residential care facilities. The funds held in such trusts can then be used to assist individuals with disabilities with transitioning into and living in a community, thereby reducing the risk of unnecessary and repeated stays in a mental health or residential care facility.

However, most of the intended beneficiaries of the trust exemption are unaware of the existence of these trusts because state mental health or residential care facilities are not required to provide notice of the exemption.

As proposed, S.B. 584 requires mental health and residential care facilities to provide written and oral notice that a trust that qualifies under Section 552.018 (Trust Principals) or Section 593.081 (Trust Exemption), Health and Safety Code, is not liable for the patient's or resident's support and requires that the notice also be attached to any request for payment for the patient's or resident's support.

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 A, Chapter 576, Health and Safety Code, by adding Section 576.010, as follows:

Sec. 576.010. NOTIFICATION OF TRUST EXEMPTION. (a) Requires an inpatient mental health facility (facility), at the time a patient is admitted to a facility for voluntary or involuntary inpatient mental health services, to provide to the patient, and the parent if the patient is a minor or the guardian of the person of the patient, written notice, in the person's primary language, that a trust that qualifies under Section 552.018 (Trust Principals), is not liable for the patient's support. Requires the facility to ensure that, within 24 hours after the patient is admitted to the facility, the notification is explained to the patient orally, in simple, nontechnical terms in the patient's primary language, if possible, or through a means reasonably calculated to communicate with a patient who has an impairment of vision or hearing, if applicable.

(b) Requires that notice required under Subsection (a) also be attached to any request for payment for the patient's support.

SECTION 2. Amends Subchapter D, Chapter 592, Health and Safety Code, by adding Section 592.056, as follows:

Sec. 592.056. NOTIFICATION OF TRUST EXEMPTION. (a) Requires the residential care facility, at the time a resident is admitted to a residential care facility, to provide to the resident, and the parent if the resident is a minor or the guardian of the person of the resident, written notice, in the person's primary language, that a trust that qualifies under Section 593.081 (Trust Exemption) is not liable for the resident's support. Requires the

residential care facility to ensure that, within 24 hours after the resident is admitted to the residential care facility, the notification is explained to the resident, and the parent if the resident is a minor or the guardian of the person of the resident orally, in simple, nontechnical terms in the person's primary language, if possible or through a means reasonably calculated to communicate with a person who has an impairment of vision or hearing, if applicable.

(b) Requires that notice required under Subsection (a) also be attached to any request for payment for the resident's support.

SECTION 3. Effective date: upon passage or September 1, 2009.