

BILL ANALYSIS

Senate Research Center
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S.B. 415
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 415 would prevent residents of state supported living centers (SSLC) from continuing to be unnecessarily confined in violation of their statutory, substantive, and procedural due course of law protections.

This legislation requires that an order for long-term placement in a residential care facility (primarily SSLCs) state that the commitment for care, treatment, and training is authorized for not more than 12 months, and an annual judicial review hearing by an administrative judge will be held. The annual judicial review hearing would identify persons who no longer meet commitment criteria, and would provide an opportunity for the resident to move to a less-restrictive environment, thereby avoiding persons remaining involuntarily committed to segregated institutions when the institutions may no longer be the least restrictive environment.

Currently, the order committing a person involuntarily to a SSLC is an indefinite commitment.

Chapter 593 (Admission and Commitment to Mental Retardation Services), Subchapter C (Commitment to Residential Care Facility) of the Persons with Mental Retardation Act (PMRA) governs commitment to SSLCs. During the original commitment a person receives a judicial hearing with legal representation to determine whether the person meets commitment criteria and can be confined to the SSLC. This is the only independent review of the commitment that will ever be made. This criteria for commitment has gone relatively unchanged for the last 33 years. In the years since the last change in commitment criteria, the State of Texas has dramatically increased the availability of less-restrictive community-based services, and now guarantees the availability of community-based services for persons confined in SSLCs. Without a periodic judicial review to determine the need for a person's continued involuntary confinement, residents of SSLCs will remain institutionalized unnecessarily because they do not have the sophistication or skills to seek representation and review of their involuntary confinement.

Requiring that an order for long-term placement in a SSLC state that the commitment for care, treatment, and training be authorized for not more than 12 months is consistent with the mental health code commitment language, and is the only way to ensure that a resident of SSLC will ever receive an independent judicial review after the initial commitment.

As proposed, S.B. 415 amends current law relating to individuals with intellectual disabilities committed to state supported living centers.

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 Section 593.052, Health and Safety Code, by adding Subsection (b-1), as follows:

(b-1) Requires that an order for long-term placement in a residential care facility to state that the commitment for care, treatment, and training is authorized for not more than 12 months.

SECTION 2. Amends Subchapter C, Chapter 593, Health and Safety Code, by adding Section 593.0521, as follows:

Sec. 593.0521. RENEWAL OF ORDER FOR COMMITMENT. Requires the facility administrator, not later than the 30th day before the date a commitment order is to expire under Section 593.052 (Order For Commitment), to notify a representative for the local mental retardation authority that serves the area in which the facility is located or in which the resident will reside after the expiration of the commitment order. Sets forth the content requirements of the notice.

SECTION 3. Effective date: September 1, 2011.