

**SUBJECT:** Options for people with mental retardation seeking residential services

**COMMITTEE:** Human Services — favorable, without amendment

**VOTE:** 5 ayes — Hupp, Eissler, A. Allen, Goodman, Paxton  
0 nays  
1 present not voting — Naishtat  
3 absent — J. Davis, Gonzalez Toureilles, Reyna

**SENATE VOTE:** On final passage, April 21 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** None

**BACKGROUND:** Children with mental retardation, mental illness, or another disability may be placed in an institutional care setting. In Texas, these facilities, including intermediate care facilities for the mentally retarded (ICF-MRs), nursing homes, and state-operated group homes, are regulated by the Health and Human Services Commission (HHSC) and Department of Aging and Disability Services (DADS).

**DIGEST:** SB 361 would require DADS to inform an individual with mental retardation seeking residential services, or that person's guardian, about all services for which the individual could be eligible, including state schools, ICF-MRs, and community-based services, based on the least restrictive environment for the individual. It would offer state schools as an option and would inform local mental health authorities of the required information.

The bill would take effect September 1, 2005.

**SUPPORTERS SAY:** The state should give clients, parents, and guardians all the information they need to make prudent decisions about the best setting for an individual with mental retardation. In some cases, parents are presented with little information about institutional care even when it is the most appropriate residence. A pro-community bias can make a parent feel guilty

about choosing another setting, even if it is more appropriate. This bill would ensure that the range of options were presented.

OPPONENTS  
SAY:

A better approach to informing parents would be for DADS to develop information about options for community-based services, benefits to living in the community, and information stating that both ongoing permanency planning and the concept that placement in an institution be temporary were required by state law. Parents then would not be led to choose one option over another as could be construed under SB 361.

NOTES:

A related bill, HB 2479 by Rodriguez, which was placed on the House General State Calendar for May 12 with no further action taken, would require HHSC and DADS to establish a system by which the response to every request for institutional placement of a child would include information about community-based and other support options for which the child may be eligible.