

BILL ANALYSIS

Senate Research Center
78R3250 KEG-D

S.B. 1246
By: Zaffirini
Health & Human Services
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As Filed

DIGEST AND PURPOSE

The Children's Policy Council Report (September 2002) stated, "The primary purpose of the new permanency planning requirements is to address the urgency of the developmental needs of children with disabilities and how those developmental needs are affected by institutionalization." As proposed, S.B. 1246 requires reports on each individual disabled child initially placed in an institution, including the efforts made to secure community placement and the community services not available that prevented community placement.

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 531.162, Government Code, as follows:

- (a) Adds a new subdivision to require each appropriate health and human services agency responsible for permanency planning to provide to the Health and Human Services Commission (HHSC) semiannually certain information on each child initially placed in an institution during the reporting period.
- (b) Adds a new subdivision to make a conforming change.

SECTION 2. Amends Chapter 531D, Government Code, by adding Section 531.164, as follows:

Sec. 531.164. PLAN ON LIMITING INITIAL PLACEMENTS OF CHILDREN IN INSTITUTIONS; ADVISORY COMMITTEE. (a) Requires HHSC, with the advice and assistance of an advisory committee appointed under this section, to develop a plan to limit the initial placements of children in institutions based on factors such as developmental urgency and the child's medical needs.

- (b) Requires the plan developed under this section to address certain factors.
- (c) Requires the commissioner of health and human services (commissioner) to appoint an advisory committee to assist HHSC in developing the plan under this section. Requires the commissioner to appoint certain individuals to the committee.
- (d) Requires an appointment to fill a vacancy on the advisory committee to be made in the same manner as the original appointment.
- (e) Provides that the member of the advisory committee who is the representative of HHSC serves as presiding officer. Requires the members of the advisory committee to elect any other necessary officers.
- (f) Requires the advisory committee to meet at the call of the commissioner.
- (g) Provides that a member of the advisory committee serves at the will of the

commissioner.

(h) Provides that the advisory committee is not subject to Chapter 2110.

(i) Provides that a member of the advisory committee who is not a state employee is not entitled to compensation for serving on the committee or reimbursement of travel expenses incurred by the member while conducting the business of the committee.

(j) Provides that a member of the advisory committee who is a state employee and who serves on the committee in performing the member's duties as a state employee is not entitled to additional compensation for serving on the committee, but is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the committee if the reimbursement is otherwise available to the member as a state employee.

SECTION 3.(a) Requires the commissioner to appoint the members of the advisory committee on limiting placements of children in institutions as required by Section 531.164, Government Code, as added by this Act, not later than December 1, 2003.

(b) Requires the commissioner to call the first meeting of the advisory committee on limiting placements of children in institutions established under Section 531.164, Government Code, as added by this Act, not later than January 1, 2004.

SECTION 4. Makes application of Section 531.162, Government code, as amended by this Act, prospective.

SECTION 5. Requires the agency affected by the provision, if before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, to request the waiver or authorization and authorizes the agency to delay implementing that provision until the waiver or authorization is granted.

SECTION 6. Effective date: September 1, 2003.