

## **BILL ANALYSIS**

Senate Research Center

H.C.R. 22  
By: Burnam, Kent (Carona)  
Jurisprudence  
5/22/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Farhat Chishty as next friend for her son, Haseeb Chishty, alleges that:

Haseeb Chishty was a disabled adult resident of the Denton State School, which is under the jurisdiction of the Department of Aging and Disability Services (DADS). Kevin Miller was a direct care aide employed at the Denton State School. DADS and the Denton State School had prior knowledge of Kevin Miller's inappropriate behavior toward mentally retarded and physically handicapped residents. Although Kevin Miller was not terminated for his inappropriate behavior, he was placed on decision making leave. When Kevin Miller returned from decision making leave, the Denton State School transferred him to the housing unit in which Haseeb Chishty resided. The Denton State School also had prior knowledge of illicit drug use by direct care aides and other Denton State School employees. The Denton State School failed to remove Kevin Miller from the environment in which Haseeb Chishty resided and failed to have or to enforce policies to protect Haseeb Chishty and allowed Haseeb Chishty to reside in a dangerous environment. Some time before September 27, 2002, Kevin Miller physically abused Haseeb Chishty and as a result, Haseeb Chishty sustained life-threatening injuries to his lower abdomen and pelvic area which have left him unable to eat on his own, speak, walk, or interact with his family. Kevin Miller may have been in a drug-induced state at the time he abused Haseeb Chishty. DADS and the Denton State School attempted to conceal the source of Haseeb Chishty's injuries by asserting they were caused by a vehicle safety belt in August 2002. On or about January 27, 2003, DADS and the Denton State School informed Farhat Chishty that her son may have been physically abused by an employee who was, at the time the information was provided, on leave of absence status. Kevin Miller was on leave of absence in January 2003, and when he returned to the Denton State School from his leave of absence, he was permitted to work with Haseeb Chishty, even though the Denton State School knew that Kevin Miller may have been responsible for Haseeb Chishty's abuse.

The Chishty family is entitled to an award for damages, including actual medical expenses, attorney's fees, and interest on any amounts due as may be authorized by law. Damages may not exceed the limitation on damages provided by Section 101.023(a) (relating to the limitation of the liability of the state government concerning money damages), Civil Practice and Remedies Code, for state agencies, excluding past and future medical bills and attorney's fees.

### **RESOLVED**

That Farhat Chishty as next friend for her son, Haseeb Chishty, is granted permission to sue the State of Texas, DADS, and the Denton State School subject to Chapter 107 (Permission to Sue the State), Civil Practice and Remedies Code.

That the commissioner of aging and disability services and the superintendent of the Denton State School be served process as provided by Section 107.002(a)(3) (relating to the requirement that service of citation and other required process be made on certain persons), Civil Practice and Remedies Code.