

BILL ANALYSIS

Senate Research Center
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S.B. 1552
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Office of the Independent Ombudsman for State Supported Living Centers was created to protect the rights and welfare of residents and families of the 12 state supported living centers (SSLCs) and the intermediate care facility (ICF) component of the Rio Grande Center. The independent ombudsman recently issued a report concerning SSLCs.

In the reports, the ombudsman highlights how residents of the SSLCs often present challenging and complex issues, including significant behavioral challenges and health concerns, as well as complex issues resulting from aging. Although some centers have developed and implemented specialized training for their staff to better support the unique needs of their center's residents, regrettably other centers have not undertaken such proactive measures. The ombudsman reported that in Texas there are no standard training requirements, either locally or statewide, for SSLCs.

Similarly, in terms of rights and due process for SSLCs residents, the ombudsman reported systemic issues in SSLCs violating residents' rights by failing to obtain consent for restrictions prior to their implementing restrictions. Related due process issues are also a concern with SSLCs in relation clients and their families being informed on how to file complaints.

In order to address these concerns, S.B. 1552 directs the Health and Human Services Commission to address the need for state-mandated specialized training for all centers and staff who provide support to various types of populations such as alleged offenders, including alleged sexual offenders, adolescents, and geriatric or aging populations. Furthermore, S.B. 1552 directs the SSLC State Office (State Office) to develop formal processes, procedures to ensure centers are fully compliant with the established Rights Policy. Additionally, develop at the State Office a formal strategy to educate residents, guardians, and direct support staff of residents' rights, restrictions, and the process to file a complaint.

As proposed, S.B. 1552 amends current law relating to state supported living centers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 555.024, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 555, Health and Safety Code, by adding Section 555.004, as follows:

Sec. 555.004. ADDITIONAL METHODS TO PROTECT RIGHTS OF CENTER RESIDENTS AND CLIENTS. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), in addition to other methods required by law, rule, or policy to protect the rights of residents and clients in centers, to:

- (1) develop formal methods to more fully educate executives, administrators, supervisors, and direct care employees of centers and residents, clients, and guardians on:

(A) the rights of residents and clients;

(B) the health and medical obligations and responsibilities and the legal obligations and responsibilities toward residents and clients of executives, administrators, and direct care employees of centers;

(C) the categories and types of specific needs and complex behavioral challenges of various populations of residents and clients that may require additional attention and specialized training, including:

(i) alleged criminal offenders, including sexual offenders;

(ii) residents and clients living with dementia;

(iii) aging or geriatric residents and clients; and

(iv) adolescent residents and clients;

(D) the circumstances under which a resident's or client's rights are authorized to be restricted, the circumstances under which a resident's or client's rights are prohibited from being restricted, and the processes and procedures that must be followed to restrict a right; and

(E) the manner in which a person may file a complaint; and

(2) specify processes and procedures, including the use of flowcharts, that centers and direct care employees are required use and the specialized training direct care employees must receive to ensure that centers comply fully with laws, rules, and policies relating to:

(A) the rights of residents and clients;

(B) the circumstances under which a resident's or client's rights are authorized to be restricted, the circumstances under which a resident's or client's rights are prohibited from being restricted, and the processes and procedures that are required to be followed to restrict a right;

(C) the categories and types of specific needs and complex behavioral challenges of various populations of residents and clients that may require additional attention and specialized training, including:

(i) alleged criminal offenders, including sexual offenders;

(ii) residents and clients living with dementia;

(iii) aging or geriatric residents and clients; and

(iv) adolescent residents and clients; and

(D) the manner in which a person may file a complaint.

SECTION 2. Amends Section 555.024, Health and Safety Code, by adding Subsections (d-1) and (f), as follows:

(d-1) Requires each state supported living center (center), in addition to the training provided to direct care employees under Subsections (a) (relating to requiring center employees to undergo certain training before performing duties on their own), (c) (relating to requiring direct care employees to undergo specified certain training for direct care employees in addition to the training under Subsection (a)), and (d) (relating to

requiring the executive commissioner to adopt rules requiring all center employees to undergo refresher training on a regular basis), to develop and implement additional initial and refresher specialized training for all executives, administrators, supervisors, and direct care employees to support populations of residents and clients that may require additional attention and specialized training, including:

- (1) alleged criminal offenders, including sexual offenders;
- (2) residents and clients living with dementia;
- (3) aging or geriatric residents and clients; and
- (4) adolescent residents and clients.

(f) Requires the executive commissioner by rule to develop standards for the training provided to executives, administrators, supervisors, and direct care employees under this section, including the length of the training and the manner in which the training is provided. Requires the executive commissioner, in developing standards relating to the manner in which training is provided, to ensure that the training is competency-based and, to the extent possible, provided in an interactive manner such as on a one-on-one basis, by a group discussion, or by a demonstration.

SECTION 3. Requires the executive commissioner to comply with Section 555.004, Health and Safety Code, as added by this Act, as soon as possible after the effective date of this Act.

SECTION 4. (a) Requires each center, not later than January 1, 2020, to develop and implement the additional training required by Section 555.024(d-1), Health and Safety Code, as added by this Act. Requires each center to ensure that each direct care employee receives the additional training, regardless of when the employee was hired, not later than September 1, 2020.

(b) Requires the executive commissioner, not later than January 1, 2020, to develop the training standards required by Section 555.024(f), Health and Safety Code, as added by this Act. Requires the executive commissioner to ensure that each state supported living center implements the training standards as soon as possible.

SECTION 5. Effective date: upon passage or September 1, 2019.