

BILL ANALYSIS

Senate Research Center
88R6536 MPF-F

S.B. 944
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, state supported living center (SSLC) residents are authorized to be admitted through voluntary admission, in which the resident has the capacity to consent and wishes to live in an SSLC, or involuntary admission. Involuntary admissions include court-mandated forensic commitment or circumstances in which the resident's legal guardian consents for the individual to live at an SSLC.

In the admissions process, Local Intellectual and Developmental Disabilities Authorities (LIDDAs) must evaluate a patient's eligibility and, if applicable, secure a guardian's approval. LIDDAs then submit an application packet to a given SSLC on behalf of the individual. If this is satisfied, the applicant is matched with an available bed that is specific to their needs.

Section 593.052, Title 7, Health and Safety Code, delineates four criteria that a LIDDA must use to determine a patient's eligibility for admission to an SSLC. The resident must be diagnosed with an intellectual disability. Documented evidence must demonstrate that the potential resident is at risk of hurting themselves or others. Alternatively, an individual must be unable to or is currently not caring for their basic needs. To be admitted, the resident must not be able to be served in a less restrictive community-based setting. Finally, the residential facilities can provide appropriate treatment and care for the resident's needs.

Section 2.255, Title 40, Texas Administrative Code, stipulates the stringent conditions a LIDDA uses to determine if an individual fulfills the second criterion. A potential resident must have an IQ score that is four or more standard deviations below the mean. The patient is required to have an Inventory for Client and Agency Planning (ICAP) service level of 1- 4. If an individual has an ICAP service level of 5 or 6, the potential resident must have high medical needs that demand at least 180 minutes of direct nursing care a week or has shown a pattern of dangerous behavior that requires staff intervention to prevent significant physical harm from occurring.

Persons currently admitted with the consent of a legally authorized representative can only be admitted through the involuntary admission requirements, which often require guardians to obtain a civil commitment order. To obtain this, Section 593.050, Title 7, Health and Safety Code, stipulates that the party that filed the application must prove "beyond a reasonable doubt" that the admission of a potential resident to an SSLC is appropriate. Thus, in their application, parents must meet a high standard of proof, demonstrating that placement into an SSLC is undoubtedly the best treatment option for their child.

LIDDAs have increasingly stalled or refused to refer potential residents, even when the admission criteria is met. When this occurs, a patient is left without the care that they desperately need.

S.B. 944 allows a parent or guardian to petition the court to issue a commitment order. This would allow parents to secure admission to an SSLC by fulfilling the high standard of proof required to receive a such an order.

As proposed, S.B. 944 amends current law relating to the commitment order for individuals with intellectual disabilities who are 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(a), Health and Safety Code, as follows:

(a) Prohibits a proposed resident from being committed to a residential care facility unless:

(1) makes no changes to this subdivision;

(2) either:

(A) makes nonsubstantive changes to this paragraph; or

(B) the guardian of the proposed resident or, if the proposed resident is a minor, the parent of the proposed resident petitions the court to issue a commitment order; and

(3)-(4) makes no changes to these subdivisions.

SECTION 2. Effective date: September 1, 2023.