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1 options information process for an adult resident.

2 (c) The department shall contract with local mental
3 retardation authorities to implement the community living options
4 information process required by Section 531.02442 for an adult
5 resident.

6 (d) The contract with the local mental retardation
7 authority must:

8 (1) delegate to the local mental retardation authority
9 the department's duties under Section 531.02442 with regard to the
10 implementation of the community living options information process
11 at a state school;

12 (2) include performance measures designed to assist
13 the department in evaluating the effectiveness of a local mental
14 retardation authority in implementing the community living options
15 information process; and

16 (3) ensure that the local mental retardation authority
17 provides service coordination and relocation services to an adult
18 resident who chooses, is eligible for, and is recommended by the
19 interdisciplinary team for a community living option to facilitate
20 a timely, appropriate, and successful transition from the state
21 school to the community living option.

22 (e) The department, with the advice and assistance of the
23 interagency task force on ensuring appropriate care settings for
24 persons with disabilities and representatives of family members or
25 legally authorized representatives of adult residents, persons
26 with mental retardation, state schools, and local mental
27 retardation authorities, shall:

1 (1) develop an effective community living options
2 information process;

3 (2) create uniform procedures for the implementation
4 of the community living options information process; and

5 (3) minimize any potential conflict of interest
6 regarding the community living options information process between
7 a state school and an adult resident, an adult resident's legally
8 authorized representative, or a local mental retardation
9 authority.

10 (f) A state school shall:

11 (1) allow a local mental retardation authority to
12 participate in the interdisciplinary planning process involving
13 the consideration of community living options for an adult
14 resident;

15 (2) to the extent not otherwise prohibited by state or
16 federal confidentiality laws, provide a local mental retardation
17 authority with access to an adult resident and an adult resident's
18 records to assist the authority in implementing the community
19 living options information process; and

20 (3) provide the adult resident or the adult resident's
21 legally authorized representative with accurate information
22 regarding the risks of moving the adult resident to a community
23 living option.

24 SECTION 2. ADVANCE CARE PLANNING PILOT PROGRAM. (a) The
25 Department of Aging and Disability Services shall develop and
26 implement a pilot program to increase the use of advance directives
27 by residents of nursing homes and intermediate care facilities for

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1 the mentally retarded in this state by educating the residents and
2 the families of residents about advance care planning.

3 (b) The pilot program shall provide for a process to educate
4 residents and the families of residents regarding:

5 (1) the legal issues associated with advance
6 directives;

7 (2) the health care choices available to a person with
8 a terminal or irreversible condition;

9 (3) the proper completion of advance directives; and

10 (4) the importance of discussing advance directives
11 with family, friends, advisers, and health care providers.

12 SECTION 3. RULES. The executive commissioner of the Health
13 and Human Services Commission shall adopt rules to implement the
14 pilot program established under this Act.

15 SECTION 4. REPORT. Not later than October 1, 2010, the
16 Department of Aging and Disability Services shall submit a report
17 to the governor, the lieutenant governor, the speaker of the house
18 of representatives, and the appropriate standing committees of the
19 legislature, regarding the pilot program that includes:

20 (1) an evaluation of the effectiveness of the pilot
21 program; and

22 (2) a recommendation to continue, expand, or eliminate
23 the pilot program.

24 SECTION 5. EXPIRATION. Sections 2, 3, and 4 of this Act and
25 this section expire September 1, 2011.

26 SECTION 6. EFFECTIVE DATE. This Act takes effect
27 immediately if it receives a vote of two-thirds of all the members

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S.B. No. 27

1 elected to each house, as provided by Section 39, Article III, Texas
2 Constitution. If this Act does not receive the vote necessary for
3 immediate effect, this Act takes effect September 1, 2007. _____

David Neuhurst
President of the Senate

Tom Caddick
Speaker of the House

I hereby certify that S.B. No. 27 passed the Senate on March 14, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 25, 2007, by the following vote: Yeas 30, Nays 0. _____

Letsy Saw
Secretary of the Senate

I hereby certify that S.B. No. 27 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting. _____

Robert Hamey
Chief Clerk of the House

Approved:

15 JUN 07
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6 PM O'CLOCK
JUN 15 2007
Roger Williams
Secretary of State