

By: Rodríguez

S.B. No. 1068

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the State Supported Living Center  
Realignment Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 7, Health and Safety Code, is  
amended by adding Chapter 556 to read as follows:

CHAPTER 556. STATE SUPPORTED LIVING CENTER REALIGNMENT COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 556.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services  
Commission.

(2) "Community services provider" means a provider of  
services under a home and community-based services waiver program  
and a licensed ICF-IID provider with fewer than six beds.

(3) "Department" means the Department of Aging and  
Disability Services.

(4) "Executive commissioner" means the executive  
commissioner of the Health and Human Services Commission.

(5) "Local authority" means a local intellectual and  
developmental disability authority.

(6) "Realignment commission" means the State  
Supported Living Center Realignment Commission.

(7) "State supported living center" has the meaning  
assigned by Section [531.002](#).

1       Sec. 556.002. STATE SUPPORTED LIVING CENTER REALIGNMENT  
2 COMMISSION. The State Supported Living Center Realignment  
3 Commission is established to evaluate the state supported living  
4 centers and make recommendations regarding the operation and  
5 management of the state supported living centers, including  
6 recommendations for the closure of state supported living centers,  
7 other than the Austin State Supported Living Center. The  
8 realignment commission is administratively attached to the  
9 department but is independent of direction by the department. The  
10 department shall provide to the realignment commission  
11 administrative support and resources and access to the department's  
12 documents relating to the state supported living centers as  
13 necessary to enable the realignment commission to perform its  
14 duties.

15       Sec. 556.003. EXPIRATION. This chapter expires and the  
16 realignment commission is abolished September 1, 2027.

17               SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

18       Sec. 556.021. APPOINTMENT OF REALIGNMENT COMMISSION  
19 MEMBERS. (a) The realignment commission is composed of nine  
20 appointed members and three nonvoting ex officio members as  
21 provided by this section.

22               (b) The nonvoting ex officio members are:

23               (1) the executive commissioner or the executive  
24 commissioner's designee;

25               (2) the executive director of the Texas Facilities  
26 Commission or the executive director's designee; and

27               (3) the land commissioner or the land commissioner's

1 designee.

2 (c) The appointed members are:

3 (1) three members of the public appointed by the  
4 governor;

5 (2) three members of the public appointed by the  
6 lieutenant governor; and

7 (3) three members of the public appointed by the  
8 governor from a list provided by the speaker of the house of  
9 representatives.

10 (d) To be eligible for appointment to the realignment  
11 commission, a person may not:

12 (1) be an agent, paid consultant, officer, or employee  
13 of a state supported living center, state center, local authority,  
14 licensed provider of ICF-IID services, or other provider of  
15 services to individuals with an intellectual or developmental  
16 disability;

17 (2) have a financial interest in a state supported  
18 living center, state center, local authority, licensed provider of  
19 ICF-IID services, or other provider of services to individuals with  
20 an intellectual or developmental disability;

21 (3) have a financial interest in the closure of a state  
22 supported living center;

23 (4) be an officer, employee, or paid consultant of a  
24 trade association in the field of residential services for  
25 individuals with an intellectual or developmental disability;

26 (5) be a resident of a state supported living center;

27 or

1           (6) be related within the second degree by affinity or  
2 consanguinity, as determined under Chapter 573, Government Code, to  
3 a person who is an officer, employee, paid consultant, or resident  
4 of a state supported living center, state center, local authority,  
5 licensed provider of ICF-IID services, or other provider of  
6 services to individuals with an intellectual or developmental  
7 disability.

8           (e) A person may not serve as an appointed member of the  
9 realignment commission or act as the general counsel to the  
10 realignment commission if the person is required to register as a  
11 lobbyist under Chapter 305, Government Code, because of the  
12 person's activities for compensation on behalf of a profession  
13 related to the operation of the realignment commission.

14           (f) Chapter 551, Government Code, applies to the  
15 realignment commission.

16           (g) A majority of the members of the realignment commission  
17 constitutes a quorum for the transaction of business.

18           (h) Appointments to the realignment commission shall be  
19 made without regard to the race, color, disability, sex, religion,  
20 age, or national origin of the appointees.

21           (i) An appointed member of the realignment commission  
22 serves at the will of the person who appointed the member.

23           Sec. 556.022. VACANCY. The governor or lieutenant governor  
24 shall fill a vacancy on the realignment commission in the same  
25 manner as the original appointment.

26           Sec. 556.023. PRESIDING OFFICER; OTHER OFFICERS;  
27 MEETINGS. (a) The members of the realignment commission shall

1 elect a presiding officer and other necessary officers.

2 (b) The realignment commission shall hold meetings in  
3 different areas of the state.

4 Sec. 556.024. COMPENSATION; TRAVEL EXPENSES. A member of  
5 the realignment commission may not receive compensation for service  
6 on the realignment commission but is entitled to reimbursement for  
7 travel expenses incurred while conducting realignment commission  
8 business.

9 SUBCHAPTER C. POWERS AND DUTIES OF REALIGNMENT COMMISSION

10 Sec. 556.051. GENERAL POWERS AND DUTIES OF REALIGNMENT  
11 COMMISSION. The realignment commission shall recommend the closure  
12 of state supported living centers, other than the Austin State  
13 Supported Living Center, in accordance with criteria and benchmarks  
14 as described by this chapter and determined by the realignment  
15 commission. The realignment commission shall oversee the  
16 implementation of the realignment commission's recommendations by  
17 the department as required by this chapter.

18 Sec. 556.052. ADVISORY COMMITTEE. (a) An advisory  
19 committee is created to assist and provide information to the  
20 realignment commission.

21 (b) The advisory committee is composed of the following  
22 members, appointed by the executive commissioner:

23 (1) one representative of the commission;  
24 (2) one representative of the department;  
25 (3) one representative of the Department of State  
26 Health Services;

27 (4) two representatives of community services

1 providers;

2 (5) one representative of local authorities;

3 (6) two representatives of advocacy groups that focus  
4 on the independent living of persons with disabilities;

5 (7) two family members of individuals residing in a  
6 state supported living center; and

7 (8) two individuals with an intellectual or  
8 developmental disability, including one individual who resides or  
9 has resided in a state supported living center.

10 (c) The advisory committee shall study and make  
11 recommendations to the realignment commission regarding the  
12 evaluation and closure of state supported living centers.

13 Sec. 556.053. EVALUATION OF STATE SUPPORTED LIVING CENTERS.

14 (a) The realignment commission shall evaluate the state supported  
15 living center system and determine which state supported living  
16 centers, other than the Austin State Supported Living Center,  
17 should be closed by the department.

18 (b) In evaluating a state supported living center, the  
19 realignment commission shall consider the following factors:

20 (1) the proximity of the state supported living center  
21 to other state supported living centers and the geographical  
22 distribution of remaining state supported living centers if the  
23 state supported living center is closed;

24 (2) the proximity of the state supported living center  
25 to community services providers and the geographical distribution  
26 of those providers;

27 (3) the cost of operating the state supported living

1 center;

2 (4) the availability of other employment  
3 opportunities in the area for employees that would be displaced by  
4 the closure of the state supported living center, including  
5 additional employment that may be needed by community services  
6 providers if the state supported living center is closed;

7 (5) the condition of existing state supported living  
8 center structures and existing community services providers;

9 (6) the property value, marketability, and deed  
10 restrictions of the property where the state supported living  
11 center is located, as determined in consultation with persons with  
12 business development expertise, and whether the property should be  
13 sold or converted to another use if the state supported living  
14 center is closed;

15 (7) the ease of client transfer capability to a  
16 community placement or another state supported living center;

17 (8) the capacity at remaining state supported living  
18 centers to accommodate persons who will need or want to be  
19 transferred from the state supported living center to another state  
20 supported living center if the state supported living center is  
21 closed;

22 (9) the capacity of local community services providers  
23 to accommodate persons formerly served by the state supported  
24 living center who will need or want to be transferred to a community  
25 placement if the state supported living center is closed;

26 (10) the quality of services provided at the state  
27 supported living center, the state supported living center's most

1 recent certification inspections, and the state supported living  
2 center's ability to meet the minimum standards for an ICF-IID  
3 facility;

4 (11) specialty programs and services available at the  
5 state supported living center, including programs and services for  
6 alleged offenders and high-risk residents, and whether those  
7 programs and services are available at other state supported living  
8 centers or from local community services providers;

9 (12) the history of incidents of abuse, neglect, or  
10 exploitation at the state supported living center, and any findings  
11 of circumstances at the state supported living center constituting  
12 immediate jeopardy to the health or safety of the residents;

13 (13) the state supported living center's record of  
14 compliance with the systemwide settlement agreement between the  
15 state and the United States Department of Justice regarding the  
16 department of justice's investigation of state supported living  
17 centers, as determined by the independent monitors engaged in  
18 monitoring compliance with the settlement agreement;

19 (14) the services and supports that are not available  
20 in the community and that resulted in commitment of individuals to  
21 the state supported living center during the previous five years;

22 (15) the support needs of residents in the state  
23 supported living center and the availability of programs that  
24 provide those services in the community;

25 (16) the effect of expanding community programs in the  
26 area of the state supported living center, particularly in  
27 historically underserved areas of the state; and



1           (17) any other relevant factor as determined by the  
2 realignment commission.

3           (c) The advisory committee to the realignment commission  
4 may assist the realignment commission in performing the evaluation  
5 required by this section.

6           (d) The realignment commission shall hold public hearings  
7 throughout the state in a manner that accommodates individuals with  
8 disabilities and their families in order to solicit input during  
9 the evaluation process.

10          Sec. 556.054. RECOMMENDATION FOR CLOSURE; REPORT. (a) Not  
11 later than December 1, 2016, the realignment commission shall  
12 submit to the governor, the commission, the department, the  
13 lieutenant governor, the speaker of the house of representatives,  
14 and the presiding officers of the standing committees of the senate  
15 and house of representatives having primary jurisdiction over  
16 intellectual and developmental disability issues a report  
17 detailing the realignment commission's evaluation of each state  
18 supported living center and proposing the closure of certain state  
19 supported living centers, other than the Austin State Supported  
20 Living Center.

21          (b) The realignment commission shall include in the report:

22               (1) the name and location of each state supported  
23 living center recommended by the realignment commission to be  
24 closed;

25               (2) the estimated number of individuals that would  
26 require a transfer to another state supported living center or a  
27 community services provider as a result of each recommended

1 closure;

2 (3) the number and type of community programs that  
3 need to be developed, based on the services and supports the  
4 realignment commission determined are not available in the  
5 community and that resulted in commitment of individuals to the  
6 state supported living center during the previous five years;

7 (4) the number and type of training competencies that  
8 would be needed to assist state supported living center employees  
9 in gaining the skills needed to transfer to providing services in  
10 the community; and

11 (5) any other relevant information as determined by  
12 the realignment commission.

13 Sec. 556.055. EFFECT OF RECOMMENDATION. (a) The 85th  
14 Legislature shall consider legislation proposing the closure of the  
15 state supported living centers recommended for closure. In  
16 considering the proposed legislation described by this subsection,  
17 members of the legislature may not propose amendments to the  
18 legislation.

19 (b) If the legislation described by Subsection (a) is  
20 enacted and becomes law, the department shall develop a plan and  
21 timeline for the closure of the state supported living centers  
22 approved by the legislature for closure under Subsection (a) and  
23 close those state supported living centers no later than August 31,  
24 2025. In developing the plan and timeline under this section, the  
25 department shall identify specific resources available to assist  
26 residents and employees of those state supported living centers  
27 with the transition. The department shall use the evaluation of the

closure of the Austin State Supported Living Center as a guide for closing the state supported living centers under this section. In closing the state supported living centers under this section, the department shall consult with the commission regarding the sale of any property. The proceeds of the sale of property where a state supported living center was located may be appropriated only for the long-term services and supports system.

Sec. 556.056. MORATORIUM ON STATE SUPPORTED LIVING CENTER PLACEMENTS. (a) An individual with an intellectual or developmental disability may not be admitted or committed to a state supported living center under Chapter 593 on or after September 1, 2015, if:

(1) the closure of the center has been recommended by the realignment commission; or

(2) as provided by the Centers for Medicare and Medicaid Services:

(A) the center's certification is at risk because of deficient practices that have put the health and safety of the center's residents in immediate jeopardy; or

(B) the center's certification is at risk of termination in 90 days because of noncompliance with certification requirements.

(b) The department shall ensure that individuals who would otherwise be committed under Chapter 593 receive services by ensuring programs are available to provide those services through diversion and other community capacity building activities.

SECTION 2. (a) Not later than September 1, 2015, the

1 governor and lieutenant governor shall appoint the members of the  
2 State Supported Living Center Realignment Commission as provided by  
3 Chapter 556, Health and Safety Code, as added by this Act.

4 (b) Not later than January 1, 2016, the executive  
5 commissioner of the Health and Human Services Commission shall  
6 appoint the advisory committee as provided by Section 556.052,  
7 Health and Safety Code, as added by this Act.

8 SECTION 3. If before implementing any provision of this Act  
9 a state agency determines that a waiver or authorization from a  
10 federal agency is necessary for implementation of that provision,  
11 the agency affected by the provision shall request the waiver or  
12 authorization and may delay implementing that provision until the  
13 waiver or authorization is granted.

14 SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2015.