

1-1 By: Lucio S.B. No. 1552
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 25, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 25, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1552 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to state supported living centers.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subchapter A, Chapter 555, Health and Safety
 1-24 Code, is amended by adding Section 555.004 to read as follows:
 1-25 Sec. 555.004. ADDITIONAL METHODS TO PROTECT RIGHTS OF
 1-26 CENTER RESIDENTS. In addition to other methods required by law,
 1-27 rule, or policy to protect the rights of residents in centers, the
 1-28 executive commissioner shall:
 1-29 (1) develop formal methods to more fully educate
 1-30 executives, administrators, supervisors, and direct care
 1-31 professionals working at centers, residents of centers, guardians
 1-32 of those residents, and other actively involved persons on:
 1-33 (A) the rights of residents;
 1-34 (B) the health and medical obligations and
 1-35 responsibilities and the legal obligations and responsibilities
 1-36 toward residents of a center's executives, administrators,
 1-37 supervisors, and direct care professionals;
 1-38 (C) the types of specific needs and complex
 1-39 behavioral challenges of various populations of residents that may
 1-40 require additional support services, attention, and specialized
 1-41 training, including:
 1-42 (i) alleged criminal offenders, including
 1-43 sex offenders;
 1-44 (ii) residents living with dementia;
 1-45 (iii) residents living with trauma;
 1-46 (iv) aging or older residents; and
 1-47 (v) adolescent residents;
 1-48 (D) the circumstances under which a resident's or
 1-49 other person's rights may be restricted, the circumstances under
 1-50 which a resident's or other person's rights may not be restricted,
 1-51 and the processes and procedures that must be followed by the center
 1-52 and center staff to restrict a right; and
 1-53 (E) the manner in which a person may file a
 1-54 complaint;
 1-55 (2) specify processes and procedures that center staff
 1-56 must follow, including the completed and documented training center
 1-57 staff must receive to ensure that centers fully comply with laws,
 1-58 rules, and policies relating to:
 1-59 (A) the rights of residents;
 1-60 (B) the circumstances under which a resident's or

2-1 other person's rights may be restricted, the circumstances under
2-2 which a resident's or other person's rights may not be restricted,
2-3 and the processes and procedures that must be followed by the center
2-4 and center staff to restrict a right;

2-5 (C) the types of specific needs and complex
2-6 behavioral challenges of various populations of residents that may
2-7 require additional support services, attention, and specialized
2-8 training, including:

2-9 (i) alleged criminal offenders, including
2-10 sex offenders;

2-11 (ii) residents living with dementia;

2-12 (iii) residents living with trauma;

2-13 (iv) aging or older residents; and

2-14 (v) adolescent residents; and

2-15 (D) the manner in which a person may file a
2-16 complaint; and

2-17 (3) establish formal practices, processes, and
2-18 policies to implement statewide and local recruitment strategies
2-19 for hiring direct care professionals, including the evaluation of
2-20 recruiting practices for hiring center staff statewide and at each
2-21 center and the development of action plans for when vacancy levels
2-22 for direct care professional positions reach an established
2-23 threshold, to ensure:

2-24 (A) adequate staff coverage and an adequate ratio
2-25 of direct care professionals to residents;

2-26 (B) residents' protection and safety; and

2-27 (C) residents' ability to exercise their rights.

2-28 SECTION 2. Section 555.024, Health and Safety Code, is
2-29 amended by adding Subsections (d-1) and (f) to read as follows:

2-30 (d-1) In addition to the training provided to direct care
2-31 employees under Subsections (a), (c), and (d), each center shall
2-32 develop and implement additional initial and refresher specialized
2-33 training for all executives, administrators, supervisors, and
2-34 direct care professionals to support populations of residents that
2-35 may require additional support services, attention, and
2-36 specialized training, including:

2-37 (1) alleged criminal offenders, including sex
2-38 offenders;

2-39 (2) residents living with dementia;

2-40 (3) residents living with trauma;

2-41 (4) aging or older residents; and

2-42 (5) adolescent residents.

2-43 (f) The executive commissioner by rule shall develop
2-44 standards for the training provided to executives, administrators,
2-45 supervisors, and direct care professionals under this section,
2-46 including the length of the training and the manner in which the
2-47 training is provided. In developing standards relating to the
2-48 manner in which training is provided, the executive commissioner
2-49 shall ensure that person-centered thinking is used as a foundation
2-50 for all training, and that all training is competency-based,
2-51 trauma-informed, and, to the extent possible, provided in an
2-52 interactive manner such as on a one-on-one basis, by a group
2-53 discussion, or by a demonstration.

2-54 SECTION 3. The executive commissioner of the Health and
2-55 Human Services Commission shall comply with Section 555.004, Health
2-56 and Safety Code, as added by this Act, as soon as possible after the
2-57 effective date of this Act.

2-58 SECTION 4. (a) Not later than January 1, 2020, each state
2-59 supported living center shall develop and implement the additional
2-60 training required by Section 555.024(d-1), Health and Safety Code,
2-61 as added by this Act. Each state supported living center shall
2-62 ensure that each direct care professional receives the additional
2-63 training, regardless of when the professional was hired, not later
2-64 than September 1, 2020.

2-65 (b) Not later than January 1, 2020, the executive
2-66 commissioner of the Health and Human Services Commission shall
2-67 develop the training standards required by Section 555.024(f),
2-68 Health and Safety Code, as added by this Act. The executive
2-69 commissioner shall ensure that each state supported living center

3-1 implements the training standards as soon as possible.
3-2 SECTION 5. This Act takes effect immediately if it receives
3-3 a vote of two-thirds of all the members elected to each house, as
3-4 provided by Section 39, Article III, Texas Constitution. If this
3-5 Act does not receive the vote necessary for immediate effect, this
3-6 Act takes effect September 1, 2019.

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