

Sec. 242.158. IDENTIFICATION OF CERTAIN NURSING FACILITY RESIDENTS  
REQUIRING MENTAL HEALTH OR INTELLECTUAL DISABILITY  
SERVICES. (a) Each resident of a nursing facility who is considering making a  
transition to a community-based care setting shall be identified to determine the  
presence of a mental illness or intellectual disability, regardless of whether  
the resident is receiving treatment or services for a mental illness or  
intellectual disability.

(b) In identifying residents having a mental illness or intellectual  
disability, the department shall use an identification process that is at  
least as effective as the mental health and intellectual disability  
identification process established by federal law. The results of the  
identification process may not be used to prevent a resident from remaining in  
the nursing facility unless the nursing facility is unable to provide adequate  
care for the resident.

(c) The department shall compile information regarding each resident  
identified as having a mental illness or intellectual disability before the  
resident makes a transition from the nursing facility to a community-based care  
setting. The department shall provide to the Department of State Health Services  
information regarding each resident identified as having a mental illness.

(d) The department and the Department of State Health Services shall  
use the information compiled and provided under Subsection (c) solely for the  
purposes of:

(1) determining the need for and funding levels of mental  
health and intellectual disability services for residents

making a transition from a nursing facility to a community-based care setting;

(2) providing mental health or intellectual disability  
services to an identified resident after the resident makes that transition; and

(3) referring an identified resident to a local mental health  
or local intellectual and developmental disability authority or private  
provider for additional mental health or intellectual disability services.

(e) This section does not authorize the department to decide for a  
resident of a nursing facility that the resident will make a transition from the  
nursing facility to a community-based care setting.

Added by Acts 2001, 77th Leg., ch. 423, Sec. 1, eff. Sept. 1, 2001. Amended  
by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0631,  
eff. April 2, 2015.