

CHAPTER 486

S.B. No. 217

An Act relating to the organization of the Texas Department of Mental Health and Mental Retardation; amending the Texas Mental Health and Mental Retardation Act, as amended (Article 5547-201, et seq., Vernon's Texas Civil Statutes), by amending Sections 1.02, 2.01, 2.07, and 2.11 and Subsections (b) and (c) of Section 2.12.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1.02, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-201, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1.02. DEFINITIONS. In this Act: [;]

"(1) '*Department*' [~~'department'~~] means the Texas Department of Mental Health and Mental Retardation. [;]

"(2) '*Board*' [~~'board'~~] means the Texas Board of Mental Health and Mental Retardation. [;]

"(3) '*Commissioner*' [~~'commissioner'~~] means the Commissioner of Mental Health and Mental Retardation. [;]

"(4) '*Local agency*' [~~'local agency'~~] means a city, county, hospital district, rehabilitation district, school district, state-supported institution of higher education, state-supported medical school, or any organizational combination of two [(2)] or more cities, two [(2)] or more counties, two [(2)] or more hospital districts, two [(2)] or more school districts, or two [(2)] or more cities, counties, hospital districts and school districts. [;]

"(5) '*Mental health services*' [~~'mental health services'~~] includes all services concerned with research, prevention and detection of mental disorders and disabilities and all services necessary to treat, care for, control, supervise and rehabilitate mentally disordered and disabled persons, including persons mentally disordered and disabled from alcoholism and drug addiction. [;]

"(6) '*Mentally retarded person*' [~~'mentally retarded person'~~] means any person other than a mentally disordered person, whose mental deficit requires him to have special training, education, supervision, treatment, care or control in his home or community, or in a state school for the mentally retarded. [;]

"(7) '*Mental retardation services*' [~~'mental retardation services'~~] includes all services concerned with research, prevention, and the detection of mental retardation and all services related to the education, training, rehabilitation, care, treatment, supervision, and control of mentally retarded persons. [;]

"(8) '*Region*' [~~'region'~~] means the total geographical area covered by the local agencies participating in the operation of community centers established under this Act. [;]

"(9) '*Effective administration*' [~~'effective administration'~~] includes continuous in-system planning and evaluation resulting in more efficient fulfillment of the purposes and policies of this Act.

"(10) '*Director of Operations*' means the director appointed under Section 2.07 of this Act."

SECTION 2. Section 2.01, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-202, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.01. **COMPOSITION OF DEPARTMENT.** The Texas Department of Mental Health and Mental Retardation shall consist of a Texas Board of Mental Health and Mental Retardation, a Commissioner of Mental Health and Mental Retardation, a *Director of Operations*, a Deputy Commissioner for Management and Support, a Deputy Commissioner for Mental Health Services, a Deputy Commissioner for Mental Retardation Services, an Executive Deputy Commissioner, a staff under the direction of the Commissioner, *the Director of Operations*, and the Deputy Commissioners, and the following facilities and institutions together with such additional facilities and institutions as may hereafter by law be made a part of the Department:

- "(1) the Central Office of the Department;
- "(2) the Austin State Hospital;
- "(3) the San Antonio State Hospital;
- "(4) the Terrell State Hospital;
- "(5) the Wichita Falls State Hospital;
- "(6) the Rusk State Hospital;
- "(7) the Big Spring State Hospital;
- "(8) the Kerrville State Hospital;
- "(9) the Vernon State Hospital;
- "(10) the Austin State School;
- "(11) the Travis State School;
- "(12) the Mexia State School;
- "(13) the Abilene State School;
- "(14) the Lufkin State School;
- "(15) the Richmond State School;
- "(16) the Denton State School;
- "(17) the Corpus Christi State School;
- "(18) the Lubbock State School;
- "(19) the Brenham State School;
- "(20) the Fort Worth State School;
- "(21) the San Antonio State School;
- "(22) the San Angelo State School;
- "(23) the Texas Research Institute of Mental Sciences;
- "(24) the Beaumont State Center;
- "(25) the Amarillo State Center;
- "(26) the El Paso State Center;
- "(27) the Rio Grande State Center;
- "(28) the Laredo State Center;
- "(29) the Waco Center for Youth;
- "(30) the Leander Rehabilitation Center."

SECTION 3. Section 2.07, Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.07. **COMMISSIONER AND DIRECTOR OF OPERATIONS.** (a) The Board shall appoint a qualified person to serve as Commissioner.

"(b) *The Commissioner shall, subject to Board approval, appoint a qualified person to serve as Director of Operations.*

"(c) To be qualified for the office of Commissioner, a person must be a physician licensed to practice in this state and must have proven administrative experience and ability.

"(d) *To be qualified for appointment as Director of Operations, a person must have professional training and experience and demonstrate proven administrative and management ability, preferably in the health care area.*

"(e) *The Commissioner is responsible for the administration of the Department. Except for the administration of the medical and other programmatic functions, the Director of Operations is responsible for assisting the Commissioner in assuring the effectual and efficient administration of the Department.*

"(f) [(e)] The Commissioner holds office at the pleasure of the Board.

"(g) [(d)] The Commissioner is designated as the state mental health authority."

SECTION 4. Section 2.11, Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2.11. **SEPARATION OF DEPARTMENTAL AUTHORITY.** (a) The Board shall formulate the *rules and the* basic and general policies, consistent with the purposes, policies, principles, and standards stated in this Act, to guide the Department in administering this Act.

"(b) All of the administrative [~~rule making,~~] and decisional powers granted by this Act are vested in the Commissioner, subject to the *rules and the* basic and general policies formulated by the Board."

SECTION 5. Subsections (b) and (c), Section 2.12, Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes), are amended to read as follows:

"(b) The Commissioner shall, with the approval of the Board, establish within the Department an organizational structure which will promote the effective administration of this Act *and establish the duties and functions of all staff listed in Section 2.01 of this Act.*

"(c) The Commissioner shall, *with the approval of the Board,* appoint the head of each facility or institution that is administered by the Department. [~~The appointments are subject to the Board's approval.~~]"

SECTION 6. This Act takes effect September 1, 1985.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 2, 1985, by a viva-voce vote; passed the House on May 24, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: September 1, 1985