TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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May 17, 2013

TO: Executive Director, Texas Council of Community MHMR Centers
Executive Directors, Local Mental Health Authorities
Executive Director, Disability Rights Texas
Members of the Local Area Network Advisory Committee (LANAC)
Members of the Council for Planning (CAP) for the Prevention and Treatment of Mental and Substance Use Disorders

FROM: Lauren Lacefield-Lewis, Acting Director
Community Mental Health and Substance Abuse, Program Services

SUBJECT: Adoption of Amendments to §412.202(b) of Chapter 412, Subchapter D (concerning Admission, Continuity, and Discharge) and repeal of Chapter 415, Subchapter J (concerning Preadmission `Screening and Resident Review (PASARR)

Effective May 24, 2013, the Department of State Health Services will adopt amendments to §412.202(b), concerning PASRR.

Notice of the proposed amendments to §412.202(b) and repeal of Chapter 415, Subchapter J, was published in the February 22, 2013, issue of the *Texas Register* for public review and comment. Comments were received from National Association of Social Workers - Texas Chapter, Austin; Disability Rights Texas, Austin; and MHMR Authority of Brazos Valley, Bryan during the public comment period. In April 2013, the Commissioner of the Health and Human Commission approved the adoption of the amendments to the subchapter with changes to the text as proposed. Notice of the adoption was published in the May 17, 2013, issue of the *Texas Register*.

- To access the html version, go to the Secretary of State's website at: http://www.sos.state.tx.us/texreg/index.shtml.
- To access the preview of the proposed rules, find the **"Points of Interest"** box that is located on the right side of the home page and complete the following steps:
  1. Click on **"Search the Texas Register."**
  2. Locate **"title number"** on the Viewer Screen, and type the number 25 in the box.
  3. Locate **"chapter number,"** and type the number 412 in the box. To review the repeal, type the number 415 in the box.
  4. Locate **"rule numbers,"** and type the number 202 in the box provided. To review the repeal type the numbers 451 and 458 in the boxes provided.

5. Enter the date, 05/17/13 in the first box located at **Publication Issue Date**.
6. Click on "find" and the publication data will be available.

- Click on each section to access the rule text, the "preamble" explains changes to the rule, and the text of the sections being repealed.

What's different?
The attached preamble and final rule text describe the amendments and repeals concerning the subchapter.

Reason for the New Subchapter
The purpose of PASRR is to ensure that placement of the patient in a nursing facility is necessary, to identify alternate placement options when applicable, and to identify specialized services that may benefit the person with a diagnosis of mental illness, intellectual disability, or developmental disability. To promote a clear, consistent implementation of the PASRR Program, the Department of Aging and Disability Services (DADS), who is designated with the responsibility for administering the PASRR Program in Texas, is promulgating PASRR Program rules to which LMHAs and SMHFs must comply. The department is amending an applicable rule in Chapter 412, Subchapter D, §412.202, concerning admission, continuity, and discharge to require that LMHAs and SMHFs comply with federal regulations and the rules in 40 TAC Part 1, Chapter 17, concerning substantially the same matter. DADS' new PASRR rules

Questions
Please direct questions concerning the subchapter by mail to Janet Fletcher, Program Services Unit, P.O. Box 149347, Austin, TX 78714-9347, by telephoning 512/206-5044, or by emailing MHSARules@dshs.state.tx.us.