

HEALTH AND SAFETY CODE

TITLE 7. MENTAL HEALTH AND INTELLECTUAL DISABILITY

SUBTITLE C. TEXAS MENTAL HEALTH CODE

CHAPTER 577A. PSYCHIATRIC RESIDENTIAL YOUTH TREATMENT FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 577A.001. DEFINITIONS. In this chapter:

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

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Psychiatric residential youth treatment facility" means a private facility that provides psychiatric health treatments and services in a residential, nonhospital setting exclusively to individuals who are 21 years of age or younger and is licensed as a general residential operation under Chapter 42, Human Resources Code. The term includes a facility that provides room and board.

(4) "Severe emotional disturbance" means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits an individual's role or ability to function in family, school, or community activities.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

Sec. 577A.002. EXEMPTIONS. This chapter does not apply to:

(1) a mental hospital; or

(2) a private mental hospital or other mental health facility licensed under Chapter 577.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

Sec. 577A.003. LICENSING AND OTHER REQUIREMENTS NOT AFFECTED. This chapter does not affect any licensing or other requirements of or create a separate license for a psychiatric

residential youth treatment facility under Chapter 42, Human Resources Code.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

Sec. 577A.004. RULES. The executive commissioner shall adopt rules necessary to implement this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

SUBCHAPTER B. CERTIFICATION, FEES, AND INSPECTIONS

Sec. 577A.051. VOLUNTARY QUALITY STANDARDS CERTIFICATION. The commission shall, using existing resources to the extent feasible, develop and implement a voluntary quality standards certification process to certify a psychiatric residential youth treatment facility that meets standards for certification under this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

Sec. 577A.052. CERTIFICATE APPLICATION. (a) To obtain a certificate under this chapter, an applicant must submit to the commission an application in the form and manner prescribed by the commission.

(b) Each application must be accompanied by a fee established by the executive commissioner under Section 577A.053.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

Sec. 577A.053. FEES. The executive commissioner by rule shall establish a nonrefundable certificate application fee and a nonrefundable certificate renewal fee in amounts necessary to cover the costs of administering this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

Sec. 577A.054. ISSUANCE AND RENEWAL OF CERTIFICATE.

(a) The commission shall issue a certificate to an applicant if on inspection and investigation the commission determines the applicant meets the requirements of this chapter and commission rules. The commission may not issue to an applicant a certificate under this chapter unless the applicant is licensed as a general residential operation under Chapter 42, Human Resources Code.

(b) A certificate issued under this chapter expires on the second anniversary of the date the certificate is issued or renewed.

(c) The commission shall renew a certificate if:

(1) the certificate holder submits to the commission a fee established by the executive commissioner under Section 577A.053; and

(2) on inspection and investigation the commission determines the certificate holder meets the requirements of this chapter and commission rules.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

Sec. 577A.055. INSPECTIONS. In addition to the inspections required under Section 577A.054, the commission shall conduct an inspection not later than the first anniversary of the date a certificate is issued or renewed to ensure the certificate holder remains in compliance with the requirements of this chapter and commission rules.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. 3121), Sec. 2, eff. September 1, 2021.

SUBCHAPTER C. REGULATION OF CERTIFIED PSYCHIATRIC RESIDENTIAL
YOUTH TREATMENT FACILITIES

Sec. 577A.101. MINIMUM STANDARDS. The executive commissioner by rule shall establish minimum standards for the certification of psychiatric residential youth treatment facilities under this chapter. The minimum standards must require a facility to:

(1) obtain accreditation by The Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation, or another accrediting organization approved by the commission; and

(2) provide and prescribe guidelines for the provision of the following activities, treatments, and services:

(A) development and implementation of individual plans of care, including the provision of services provided by a licensed psychiatrist or physician to develop individual plans of care;

(B) individual therapy;

(C) family engagement activities;

(D) consultation services with qualified professionals, including case managers, primary care professionals, community-based mental health providers, school staff, and other support planners;

(E) 24-hour nursing services; and

(F) direct care and supervision services, supportive services for daily living and safety, and positive behavior management services.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. [3121](#)), Sec. 2, eff. September 1, 2021.

Sec. 577A.102. ADMISSION CRITERIA. A facility certified under this chapter may not admit or provide treatments or services to an individual unless the individual:

(1) is 21 years of age or younger;

(2) has been diagnosed with a severe emotional disturbance by a licensed mental health professional;

(3) requires residential psychiatric treatment under the direction of a licensed physician to improve the individual's condition; and

(4) was referred for treatments or services in a psychiatric residential youth treatment facility by a licensed mental health professional.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. [3121](#)), Sec. 2, eff. September 1, 2021.

SUBCHAPTER D. ENFORCEMENT

Sec. 577A.151. PENALTIES. A facility certified under this chapter is subject to a civil penalty under Section [571.023](#) or an administrative penalty under Section [571.025](#), as applicable, for a violation of this chapter or a rule adopted under this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 1032 (H.B. [3121](#)), Sec. 2, eff. September 1, 2021.