

**SUBJECT:** Reducing the health care services fee paid by certain inmates

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson

0 nays

**WITNESSES:** For — Lauren Johnson, ACLU of Texas; Samantha Smothermon, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Nicholas Hudson, ACLU of Texas; Adam Cahn, Cahnman's Musings; Jo DePrang, Children's Defense Fund Texas; Fatima Mann, Community Advocacy and Healing Project; Traci Berry, Goodwill Central Texas; Cate Graziani, Grassroots Leadership, Texas Advocates for Justice; Julia Egler, National Alliance on Mental Illness-Texas; Eric Kunish, National Alliance on Mental Illness-Austin; Will Francis, National Association of Social Workers-Texas; Lori Henning, Texas Association of Goodwills; Kathryn Freeman, Texas Baptist Christian Life Commission; Emily Gerrick, Texas Fair Defense Project; Joshua Houston, Texas Impact; Jennifer Erschabek, Texas Inmate Families Association; Melanie Geisler Dewberry; Jason Howell; Maria Person; Rachelle Reyna)

Against — None

On — Lannette Linthicum and Jerry McGinty, Texas Department of Criminal Justice

**BACKGROUND:** Government Code sec. 501.063 requires an inmate confined in a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ), other than a halfway house, to pay a health care services fee of \$100 upon initiating a visit to a health care provider. This fee covers all visits to health care providers for that inmate for one year.

If there are insufficient funds in the inmate's trust fund to cover the fee, 50 percent of each deposit to the fund is applied to the balance until the total

amount is paid.

TDCJ is required to provide inmates access to health care regardless of inmates' inability to pay the fee. Any surplus funds from the correctional health care fund are transferred by TDCJ to the state's general revenue fund at the end of each fiscal year.

**DIGEST:** HB 812 would reduce the health care services fee paid by inmates who visited a health care provider from \$100 annually to \$3 per visit. The bill would apply to inmates housed in a facility operated by or under contract with the Texas Department of Criminal Justice, other than a halfway house.

The bill would take effect September 1, 2019.

**SUPPORTERS SAY:** HB 812 would remove a burden on inmates and their families by reducing the health services fee for inmates from \$100 a year to \$3 per visit to a health care provider. This would return the fee to previous levels.

Currently, the \$100 health services fee could prevent some inmates from seeking necessary medical treatment, even though the Texas Department of Criminal Justice (TDCJ) is legally obligated to provide inmates with medical care. Inmates also may be discouraged from accessing health services in order to avoid withdrawals from their commissary accounts. HB 812 would ensure all inmates received the medical treatment they needed by setting the health care fee at a reasonable level. The bill also could prevent inmates in TDCJ units that experienced an outbreak of contagious diseases from being discouraged from seeking treatment.

**OPPONENTS SAY:** HB 812 is unnecessary because TDCJ already is required to provide medical treatment for inmates regardless of their ability to pay. TDCJ also has created exemptions to the health services fee and has an appeals process in place for inmates who believe they were wrongly charged for a medical service.

**NOTES:** The Legislative Budget Board estimates that HB 812 would have a

negative impact of \$3.1 million in general revenue related funds through the biennium ending August 31, 2021.

The author plans to offer a floor amendment that would set the per-visit fee at \$10, rather than \$3.