

BILL ANALYSIS

Senate Research Center
82R21627 PEP-F

H.B. 3459
By: Eiland (Whitmire)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center contract with the Texas Department of Criminal Justice to provide medical treatment to offenders. Currently, an offender is permitted to possess certain specified medications, and prescriptions for those medications must be picked up from a distribution window and provided by a medical professional. At this time, Texas does not offer specific training for persons to dispense medication to offenders in this manner, so correctional managed health care providers must hire vocational nurses at a higher pay rate to dispense medication. Interested parties contend that training persons to act as certified medication aides would be a more cost-effective means of dispensing medication in correctional settings.

Other cost savings could be achieved by changing requirements relating to the operation of certain dialysis centers treating offenders. The University of Texas Medical Branch at Galveston has a licensed inpatient dialysis treatment center that is underused because few patients who are admitted to the hospital require dialysis treatment; however, patients visiting the outpatient clinic associated with the hospital could benefit from the dialysis treatment. Unfortunately, the treatment center is not licensed to provide outpatient treatment because current law requires dialysis centers to be licensed either as part of the hospital or as an outpatient clinic.

H.B. 3459 seeks to address these issues by proposing changes relating to the correctional health care system in an effort to contain the costs incurred in operating the system while continuing to provide quality health care to offenders.

H.B. 3459 amends current law relating to the containment of costs incurred in the correctional health care system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 501, Government Code, by adding Section 501.1485, as follows:

Sec. 501.1485. CORRECTIONS MEDICATION AIDES. (a) Requires the Texas Department of Criminal Justice (TDCJ), in cooperation with The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center, to develop and implement a training program for corrections medication aides that uses a curriculum specific to administering medication in a correctional setting.

(b) Requires TDCJ, The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center, in developing the curriculum for the training program, to:

(1) consider the content of the curriculum developed by the American Correctional Association for certified corrections nurses; and

(2) modify as appropriate the content of the curriculum developed under Chapter 242 (Convalescent and Nursing Homes and Related Institutions), Health and Safety Code, for medication aides administering medication in convalescent and nursing homes and related institutions to produce content suitable for administering medication in a correctional setting.

(c) Requires TDCJ to submit an application for the approval of a training program developed under this section, including the curriculum, to the Department of Aging and Disability Services (DADS) in the manner established by the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) under Section 161.082, Human Resources Code.

SECTION 2. Reenacts Section 251.012, Health and Safety Code, as amended by Chapters 839 (S.B. 1932) and 1280 (H.B. 1831), Acts of the 81st Legislature, Regular Session, 2009, and amends it, as follows:

Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. Provides that the following facilities are not required to be licensed under this chapter:

(1) a home and community support services agency licensed under Chapter 142 (Home and Community Support Services) with a home dialysis designation;

(2) a hospital licensed under Chapter 241 (Hospitals) that provides dialysis only to individuals receiving inpatient services from the hospital, or outpatient services due to a disaster declared by the governor or a federal disaster declared by the president of the United States occurring in this state or another state during the term of the disaster declaration;

(3) a hospital operated by or on behalf of the state as part of the managed health care provider network established under Chapter 501 (Inmate Welfare), Government Code, that provides dialysis only to individuals receiving inpatient services from the hospital, or outpatient services while serving a term of confinement in a facility operated by or under contract with TDCJ; or

(4) the office of a physician unless the office is used primarily as an end stage renal disease facility.

Makes nonsubstantive changes.

SECTION 3. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.082, as follows:

Sec. 161.082. CORRECTIONS MEDICATION AIDES. (a) Requires the executive commissioner to establish:

(1) minimum standards and procedures for the approval of corrections medication aide training programs, including curricula, developed under Section 501.1485, Government Code;

(2) minimum requirements for the issuance, denial, renewal, suspension, and revocation of a permit to a corrections medication aide, including the payment of an application or renewal fee in an amount necessary to cover the costs incurred by DADS in administering this section; and

(3) the acts and practices that are within and outside the scope of a permit issued under this section.

(b) Requires DADS, not later than the 90th day after receipt of an application for approval of a corrections medication aide training program developed under Section 501.1485, Government Code, to:

(1) approve the program, if the program meets the minimum standards and procedures established under Subsection (a)(1); or

(2) provide notice to TDCJ that the program is not approved and include in the notice a description of the actions that are required for the program to be approved.

(c) Requires DADS to issue a permit to or renew the permit of an applicant who meets the minimum requirements established under Subsection (a)(2). Requires DADS to coordinate with TDCJ in the performance of DADS's duties and functions under this subsection.

SECTION 4. (a) Requires TDCJ, in cooperation with The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, or a successor correctional managed health care provider, to develop the training program required by Section 501.1485, Government Code, as added by this Act, and requires TDCJ to submit an application for approval of that program, as required by Subsection (c) of that section, not later than January 1, 2012. Requires the executive director of TDCJ, if, after the effective date of this Act and before the date TDCJ develops the training program described by this subsection The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center are no longer represented on the Correctional Managed Health Care Committee, or no longer serve as correctional managed health care providers, to request and receive the cooperation of any other state agency determined by the executive director to be an appropriate resource in the development of the program.

(b) Makes application of the change in law made by this Act in amending Section 251.012, Health and Safety Code, prospective.

(c) Requires the executive commissioner to establish the minimum standards and requirements and the acts and practices allowed or prohibited, as required by Section 161.082, Human Resources Code, as added by this Act, not later than January 1, 2012.

SECTION 5. Provides that to the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: September 1, 2011.