

BILL ANALYSIS

C.S.H.B. 2389
By: Madden
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Historically offenders sentenced to the Texas Department of Criminal Justice (department) have provided their consent to receive medical care, including offenders less than eighteen years of age. However, current law does not clearly authorize youthful offenders sentenced to the department to consent to medical care. CSHB 2389 provides that offenders younger than eighteen years of age may consent to receive medical treatment, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 501, Government Code, by adding Section 501.059 to provide that an inmate who is younger than 18 years of age and is confined in a facility operated by or under contract with the Texas Department of Criminal Justice (department) may, in accordance with procedures established by the department, consent to medical, dental, psychological, and surgical treatment for the inmate by a licensed health care practitioner, or a person under the direction of a licensed health care practitioner, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code.

SECTION 2. Amends Section 32.003(a), Family Code, to permit a child who is serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice to consent to medical, dental, psychological, and surgical treatment by a licensed physician or dentist, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

HB 2389 amends the Government Code to provide that an inmate who is younger than 18 years of age and is confined in a facility operated by or under contract with the Texas Department of Criminal Justice (department) may, in accordance with procedures established by the department, consent to medical, dental, psychological, and surgical treatment for the inmate by a licensed physician or dentist, or a person under the supervision of a licensed physician or dentist, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code. CSHB 2389 amends the Government Code to provide that an inmate who is younger than 18 years of age and is confined in a facility operated by or under contract with the Texas Department of Criminal Justice (department) may, in accordance with procedures established by the department, consent to medical, dental, psychological, and surgical treatment

for the inmate by a licensed *health care practitioner*, or a person under the *direction* of a licensed *health care practitioner*, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code.