

## **BILL ANALYSIS**

Senate Research Center  
82R5492 KEL-F

H.B. 1908  
By: Madden (Whitmire)  
Criminal Justice  
4/29/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that one of the greatest problems facing correctional managed health care is the inability to recruit a sufficient number of physicians, mental health professionals, nurses, and mid-level practitioners, including physician assistants and nurse practitioners, to provide adequate medical and mental health care for the thousands of inmates under the jurisdiction of the Texas Department of Criminal Justice (TDCJ). It has been reported that vacancy rates for these professions in TDCJ facilities statewide are considerably high. Moreover, many TDCJ and Texas Youth Commission (TYC) facilities are located in rural areas of Texas, where it can be difficult to recruit health care professionals. H.B. 1908 attempts to address the shortage of these professionals necessary to provide quality health care to persons committed to certain TDCJ and TYC facilities.

H.B. 1908 amends the Education Code to include a physician who provides health care services to persons committed to a secure correctional facility operated by or under contract with TYC or persons confined in a secure correctional facility operated by or under contract with any division of TDCJ among the physicians who are eligible to receive student loan repayment assistance from the Texas Higher Education Coordinating Board (THECB), if the physician meets other eligibility requirements. The bill limits THECB's repayment assistance grants paid to a physician who provides health care services to persons committed to such correctional facilities to the first 10 physicians who establish eligibility for those grants each year.

H.B. 1908 amends current law relating to student loan repayment assistance for certain providers of correctional health care.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Correctional Managed Health Care Committee in SECTION 3 (Section 501.156, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 4 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 61.532, Education Code, as follows:

Sec. 61.532. ELIGIBILITY. Deletes existing Subsection (a) designation. Requires a physician, to be eligible to receive student loan repayment assistance, to:

(1)-(3) Makes no changes to these subdivisions;

(4) provide health care services to:

(A) recipients under the medical assistance program authorized by Chapter 32 (Medical Assistance Program), Human Resources Code;

(B) enrollees under the child health plan program authorized by Chapter 62 (Detention Homes and Parental Schools), Health and Safety Code; or

(C) persons committed to a secure correctional facility operated by or under contract with the Texas Youth Commission (TYC) or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice (TDCJ).

Make nonsubstantive changes.

SECTION 2. Amends Section 61.533, Education Code, as follows:

Sec. 61.533. LIMITATION. (a) Creates this subsection from existing text. Makes no further changes.

(b) Limits repayment assistance grants paid in relation to services described by Section 61.532(4)(C) (relating to providing health care services to persons committed to a secure correctional facility operated by or under contract with TYC or persons confined in a secure correctional facility operated by or under contract with any division of TDCJ) to the first 10 physicians who establish eligibility for those grants each year.

SECTION 3. Amends Subchapter E, Chapter 501, Government Code, by adding Section 501.156, as follows:

Sec. 501.156. STUDENT LOAN REPAYMENT ASSISTANCE. (a) Authorizes the Correctional Managed Health Care Committee (committee) to provide student loan repayment assistance for medical and mental health care physicians and other staff providing correctional managed health care from funds appropriated for purposes of correctional managed health care. Authorizes the repayment assistance to be applied to any student loan received through any lender for education at a public or accredited private institution of higher education in the United States, including loans for undergraduate, graduate, and medical education.

(b) Authorizes the committee to adopt rules to implement this section, including rules governing eligibility for the loan repayment assistance and the terms of contracts between the committee and recipients of the loan repayment assistance. Requires the committee, in adopting those rules, to consider the requirements of Subchapter J (Repayment of Certain Physician Education Loans), Chapter 61 (Texas Higher Education Coordinating Board), Education Code, and the rules of the Texas Higher Education Coordinating Board adopted under that subchapter.

(c) Prohibits a physician from receiving loan repayment assistance under both this section and Subchapter J, Chapter 61, Education Code.

(d) Requires the committee, not later than December 1 of each state fiscal year, to submit a report to the Legislative Budget Board and the governor on the use of funds under this section for the preceding fiscal year.

SECTION 4. Requires the Texas Higher Education Coordinating Board to:

(1) not later than December 1, 2011, adopt any rules necessary under Sections 61.532 and 61.533, Education Code, as amended by this Act; and

(2) not later than January 1, 2012, begin providing as permitted by those sections student loan repayment assistance to providers of health care in secure correctional facilities.

SECTION 5. Requires the committee to:

(1) not later than December 1, 2011, adopt the rules for the provision of student loan repayment assistance under Section 501.156, Government Code, as added by this Act; and

(2) not later than January 1, 2012, begin providing student loan repayment assistance under that section.

SECTION 6. Effective date: upon passage or September 1, 2011.