

BILL ANALYSIS

C.S.H.B. 3459
By: Eiland
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.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.

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

C.S.H.B. 3459 amends the Government Code to require 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. The bill requires those entities, in developing the curriculum for the training program, to consider the content of the curriculum developed by the American Correctional Association for certified corrections nurses and modify as appropriate the content of the curriculum developed under law for medication aides administering medication in convalescent and nursing homes and related institutions to produce content suitable for administering medication in a correctional setting. The bill requires TDCJ to submit an application for the approval of a training program for corrections medication aides, 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 under the bill's provisions.

C.S.H.B. 3459 requires TDCJ, in cooperation with the entities specified above, or a successor correctional managed health care provider, to develop the training program and requires TDCJ to submit an application for approval of that program, not later than January 1, 2012. The bill requires the executive director of TDCJ 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, if those specified entities are no longer represented on the Correctional Managed Health Care Committee or no longer serve as correctional managed health care providers after the effective date of the bill and before the date TDCJ develops the training program.

C.S.H.B. 3459 reenacts and amends 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, to exempt from the licensing requirements of end stage renal disease facilities a hospital operated by or on behalf of the state as part of the managed health care provider network established under statutory provisions governing inmate welfare, 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.

C.S.H.B. 3459 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission, not later than January 1, 2012, to establish minimum standards and procedures for the approval of corrections medication aide training programs, including curricula, developed under the bill's provisions; 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 the standards, procedures, and requirements relating to the permit; and the acts and practices that are within and outside the scope of such a permit.

C.S.H.B. 3459 requires DADS, not later than the 90th day after receipt of an application for approval of a corrections medication aide training program developed under the bill's provisions, to approve the program, if the program meets the minimum standards and procedures established under the bill's provisions, or 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. The bill requires DADS to issue a permit to or renew the permit of an applicant who meets the minimum requirements established under the bill's provisions and to coordinate with TDCJ in the performance of the department's duties and functions in issuing or renewing permits.

C.S.H.B. 3459 specifies that, to the extent of any conflict, its provisions prevail over another act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3459 omits a provision included in the original defining "elderly" and "terminally ill" for purposes of statutory provisions relating to the release of certain inmates on medically recommended intensive supervision and omits a saving provision providing for the effect of those omitted definitions.