

By: Guillen

H.B. No. 3281

A BILL TO BE ENTITLED

AN ACT

relating to the containment of costs incurred in the correctional health care system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1485 to read as follows:

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

(b) In developing the curriculum for the training program, the department, The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center shall:

(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, 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.

1 (c) The department shall submit an application for the
2 approval of a training program developed under this section,
3 including the curriculum, to the Department of Aging and Disability
4 Services in the manner established by the executive commissioner of
5 the Health and Human Services Commission under Section 161.082,
6 Human Resources Code.

7 SECTION 2. Section 501.150(a), Government Code, is amended
8 to read as follows:

9 (a) The committee shall establish a procedure for
10 monitoring the quality of care delivered by the health care
11 providers. Under the procedure, the department shall monitor the
12 quality of care delivered by the health care providers, including
13 investigating medical grievances, ensuring access to medical care,
14 ensuring that the quality of medical care provided by a facility
15 that is licensed and a facility that is exempt from licensing is
16 substantially similar, and conducting periodic operational reviews
17 of medical care provided at its units.

18 SECTION 3. Section 508.146, Government Code, is amended by
19 adding Subsection (a-1) to read as follows:

20 (a-1) For purposes of Subsection (a):

21 (1) "Elderly" means 60 years of age or older.

22 (2) "Terminally ill" includes having an incurable
23 illness, disease, disorder, or other condition that has been
24 diagnosed by a physician and is reasonably expected to result in
25 death in 12 months or less.

26 SECTION 4. Section 251.012, Health and Safety Code, as
27 amended by Chapters 839 (S.B. 1932) and 1280 (H.B. 1831), Acts of

1 the 81st Legislature, Regular Session, 2009, is reenacted and
2 amended to read as follows:

3 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The
4 following facilities are not required to be licensed under this
5 chapter:

6 (1) a home and community support services agency
7 licensed under Chapter 142 with a home dialysis designation;

8 (2) a hospital licensed under Chapter 241 that
9 provides dialysis only to individuals receiving:

10 (A) [~~individuals receiving~~] inpatient services
11 from the hospital; or

12 (B) [~~individuals receiving~~] outpatient services
13 due to a disaster declared by the governor or a federal disaster
14 declared by the president of the United States occurring in this
15 state or another state during the term of the disaster declaration;
16 [~~or~~]

17 (3) a hospital operated by or on behalf of the state as
18 part of the managed health care provider network established under
19 Chapter 501, Government Code, that provides dialysis only to
20 individuals receiving:

21 (A) inpatient services from the hospital; or

22 (B) outpatient services while serving a term of
23 confinement in a facility operated by or under contract with the
24 Texas Department of Criminal Justice; or

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

27 SECTION 5. Subchapter D, Chapter 161, Human Resources Code,

1 is amended by adding Section 161.082 to read as follows:

2 Sec. 161.082. CORRECTIONS MEDICATION AIDES. (a) The
3 executive commissioner shall establish:

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

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

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

14 (b) Not later than the 90th day after receipt of an
15 application for approval of a corrections medication aide training
16 program developed under Section 501.1485, Government Code, the
17 department shall:

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

21 (2) provide notice to the Texas Department of Criminal
22 Justice that the program is not approved and include in the notice a
23 description of the actions that are required for the program to be
24 approved.

25 (c) The department shall issue a permit to or renew the
26 permit of an applicant who meets the minimum requirements
27 established under Subsection (a)(2). The department shall

1 coordinate with the Texas Department of Criminal Justice in the
2 performance of the department's duties and functions under this
3 subsection.

4 SECTION 6. (a) The Texas Department of Criminal Justice,
5 in cooperation with The University of Texas Medical Branch at
6 Galveston, the Texas Tech University Health Sciences Center, or a
7 successor correctional managed health care provider, shall develop
8 the training program required by Section 501.1485, Government Code,
9 as added by this Act, and the department shall submit an application
10 for approval of that program, as required by Subsection (c) of that
11 section, not later than January 1, 2012. If after the effective date
12 of this Act and before the date the department develops the training
13 program described by this subsection, The University of Texas
14 Medical Branch at Galveston and the Texas Tech University Health
15 Sciences Center are no longer represented on the Correctional
16 Managed Health Care Committee, or no longer serve as correctional
17 managed health care providers, the executive director of the
18 department shall request and receive the cooperation of any other
19 state agency determined by the executive director to be an
20 appropriate resource in the development of the program.

21 (b) The change in law made by this Act in amending Section
22 508.146, Government Code, applies to the release of an inmate under
23 that section on or after the effective date of this Act, regardless
24 of when the offense for which the inmate is serving a sentence was
25 committed.

26 (c) The change in law made by this Act in amending Section
27 251.012, Health and Safety Code, applies only to dialysis services

1 provided on or after the effective date of this Act. Dialysis
2 services provided before the effective date of this Act are covered
3 by the law in effect immediately before that date, and the former
4 law is continued in effect for that purpose.

5 (d) The executive commissioner of the Health and Human
6 Services Commission shall establish the minimum standards and
7 requirements and the acts and practices allowed or prohibited, as
8 required by Section 161.082, Human Resources Code, as added by this
9 Act, not later than January 1, 2012.

10 SECTION 7. To the extent of any conflict, this Act prevails
11 over another Act of the 82nd Legislature, Regular Session, 2011,
12 relating to nonsubstantive additions to and corrections in enacted
13 codes.

14 SECTION 8. This Act takes effect September 1, 2011.