

By: Eiland

H.B. No. 3459

Substitute the following for H.B. No. 3459:

By: Madden

C.S.H.B. No. 3459

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the containment of costs incurred in the correctional
3 health care system.

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

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

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

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

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

20 (2) modify as appropriate the content of the
21 curriculum developed under Chapter 242, Health and Safety Code, for
22 medication aides administering medication in convalescent and
23 nursing homes and related institutions to produce content suitable
24 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 251.012, Health and Safety Code, as
8 amended by Chapters 839 (S.B. 1932) and 1280 (H.B. 1831), Acts of
9 the 81st Legislature, Regular Session, 2009, is reenacted and
10 amended to read as follows:

11 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The
12 following facilities are not required to be licensed under this
13 chapter:

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

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

18 (A) [~~individuals receiving~~] inpatient services
19 from the hospital; or

20 (B) [~~individuals receiving~~] outpatient services
21 due to a disaster declared by the governor or a federal disaster
22 declared by the president of the United States occurring in this
23 state or another state during the term of the disaster declaration;
24 [~~or~~]

25 (3) a hospital operated by or on behalf of the state as
26 part of the managed health care provider network established under
27 Chapter 501, Government Code, that provides dialysis only to

1 individuals receiving:

2 (A) inpatient services from the hospital; or

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

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

8 SECTION 3. Subchapter D, Chapter 161, Human Resources Code,
9 is amended by adding Section 161.082 to read as follows:

10 Sec. 161.082. CORRECTIONS MEDICATION AIDES. (a) The
11 executive commissioner shall establish:

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

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

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

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

26 (1) approve the program, if the program meets the
27 minimum standards and procedures established under Subsection

1 (a)(1); or

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

6 (c) The department shall issue a permit to or renew the
7 permit of an applicant who meets the minimum requirements
8 established under Subsection (a)(2). The department shall
9 coordinate with the Texas Department of Criminal Justice in the
10 performance of the department's duties and functions under this
11 subsection.

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

1 appropriate resource in the development of the program.

2 (b) The change in law made by this Act in amending Section
3 251.012, Health and Safety Code, applies only to dialysis services
4 provided on or after the effective date of this Act. Dialysis
5 services provided before the effective date of this Act are covered
6 by the law in effect immediately before that date, and the former
7 law is continued in effect for that purpose.

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

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

17 SECTION 6. This Act takes effect September 1, 2011.