

By: Eiland

H.B. No. 3459

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 508.146, Government Code, is amended by
8 adding Subsection (a-1) to read as follows:

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

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

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

15 SECTION 3. Section 251.012, Health and Safety Code, as
16 amended by Chapters 839 (S.B. 1932) and 1280 (H.B. 1831), Acts of
17 the 81st Legislature, Regular Session, 2009, is reenacted and
18 amended to read as follows:

19 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The
20 following facilities are not required to be licensed under this
21 chapter:

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

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

26 (A) [~~individuals receiving~~] inpatient services
27 from the hospital; or

1 (B) [~~individuals receiving~~] outpatient services
2 due to a disaster declared by the governor or a federal disaster
3 declared by the president of the United States occurring in this
4 state or another state during the term of the disaster declaration;
5 [~~or~~]

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

10 (A) inpatient services from the hospital; or

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

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

16 SECTION 4. Subchapter D, Chapter 161, Human Resources Code,
17 is amended by adding Section 161.082 to read as follows:

18 Sec. 161.082. CORRECTIONS MEDICATION AIDES. (a) The
19 executive commissioner shall establish:

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

23 (2) minimum requirements for the issuance, denial,
24 renewal, suspension, and revocation of a permit to a corrections
25 medication aide, including the payment of an application or renewal
26 fee in an amount necessary to cover the costs incurred by the
27 department in administering this section; and

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

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

7 (1) approve the program, if the program meets the
8 minimum standards and procedures established under Subsection
9 (a)(1); or

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

14 (c) The department shall issue a permit to or renew the
15 permit of an applicant who meets the minimum requirements
16 established under Subsection (a)(2). The department shall
17 coordinate with the Texas Department of Criminal Justice in the
18 performance of the department's duties and functions under this
19 subsection.

20 SECTION 5. (a) The Texas Department of Criminal Justice,
21 in cooperation with The University of Texas Medical Branch at
22 Galveston, the Texas Tech University Health Sciences Center, or a
23 successor correctional managed health care provider, shall develop
24 the training program required by Section 501.1485, Government Code,
25 as added by this Act, and the department shall submit an application
26 for approval of that program, as required by Subsection (c) of that
27 section, not later than January 1, 2012. If after the effective date

1 of this Act and before the date the department develops the training
2 program described by this subsection, The University of Texas
3 Medical Branch at Galveston and the Texas Tech University Health
4 Sciences Center are no longer represented on the Correctional
5 Managed Health Care Committee, or no longer serve as correctional
6 managed health care providers, the executive director of the
7 department shall request and receive the cooperation of any other
8 state agency determined by the executive director to be an
9 appropriate resource in the development of the program.

10 (b) The change in law made by this Act in amending Section
11 508.146, Government Code, applies to the release of an inmate under
12 that section on or after the effective date of this Act, regardless
13 of when the offense for which the inmate is serving a sentence was
14 committed.

15 (c) The change in law made by this Act in amending Section
16 251.012, Health and Safety Code, applies only to dialysis services
17 provided on or after the effective date of this Act. Dialysis
18 services provided before the effective date of this Act are covered
19 by the law in effect immediately before that date, and the former
20 law is continued in effect for that purpose.

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

26 SECTION 6. To the extent of any conflict, this Act prevails
27 over another Act of the 82nd Legislature, Regular Session, 2011,

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1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 7. This Act takes effect September 1, 2011.