

BILL ANALYSIS

Senate Research Center

C.S.S.B. 939
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Health & Human Services
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Committee Report (Substituted)

DIGEST

Currently, Chapter 89 of the Health and Safety Code provides a number of strategies to treat and prevent the outbreak of tuberculosis (TB) in county jails with a capacity of 100 or more beds. In order to prevent further outbreaks among the state's prison population and general public, however, Chapter 89 should apply to a wider range of jail facilities. Additionally, stronger measures are required to ensure that TB-infected inmates are not released into the general population without medical arrangements being made to continue treatment in the community. Presently, the Texas Department of Criminal Justice, in conjunction with other state agencies, is authorized to develop a memorandum of agreement for notification of appropriate community service agencies when state inmates are released to local communities. However, in the case of non-state facility inmates, if notice is given, it is usually so late that it is extremely difficult or impossible to locate the former inmate for continuation of treatment. Some of these cases resurface much later when the individual becomes sick again and is presumably infectious and often resistant to one or more of the TB medications that were initially used to treat the case. Medical management usually becomes much more difficult and expensive in these situations.

This legislation requires jails with a capacity of at least 100 beds, those that accept out-of-state inmates, and those that house inmates from certain other counties in Texas to screen inmates for TB before the seventh day of incarceration, and provides procedures for follow-up and preventive treatment. In addition, this bill requires notification of a local or regional health department immediately upon the release of inmates who are receiving treatment for TB. C.S.S.B. 939 also provides that failure to comply with the requirements of this subchapter may result in sanctions, including the loss of certification by the Texas Commission on Jail Standards.

PURPOSE

As proposed, C.S.S.B. 939 establishes the control of tuberculosis in certain jail populations.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Health in SECTION 9 (Section 89.072, Health and Safety Code) and to the Texas Board of Health in SECTION 10 (Section 89.073(c), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 89.001, Health and Safety Code, to define "governing body" and "jail." Redefines "county jail." Makes conforming changes.

SECTION 2. Amends Chapter 89A, Health and Safety Code, by adding Section 89.002, as follows:

Sec. 89.002. SCOPE OF CHAPTER. Establishes that except as provided by Subchapter E, this chapter applies only to a jail that has a capacity of at least 100 beds, or houses inmates transferred from a county that has a jail that has a capacity of at least 100 beds, or from another state.

SECTION 3. Amends Section 89.011(a), Health and Safety Code, to require the governing body of a jail or community corrections facility, rather than the commissioners court of each county and

the district judges governing a community corrections facility, to require that each employee or volunteer working or providing services in a jail, rather than county jail, or a community corrections facility, who meets the screening guidelines prescribed by Texas Board of Health (board) rule, present to the governing body, rather than the court or judicial district, a certificate signed by a physician stating certain information.

SECTION 4. Amends Section 89.012(b), Health and Safety Code, to make conforming changes.

SECTION 5. Amends Sections 89.013 and 89.014, Health and Safety Code, as follows:

Sec. 89.013. CERTIFICATE REQUIRED. Makes conforming changes.

Sec. 89.014. COST OF TESTS, FOLLOW-UP, AND TREATMENT. Requires the employee or volunteer to pay the expense of a test, evaluation, or other service unless the governing body of a municipality elects to provide the service.

SECTION 6. Amends Sections 89.051(a) and (b), Health and Safety Code, to require each inmate in a jail or community corrections facility to undergo a screening test for tuberculosis infection approved by the board if the inmate will probably be confined in jail or a community corrections facility for more than seven, rather than 14, days and the inmate meets the screening guidelines. Requires the inmate to be tested on or before the seventh, rather than the 14th, day after the day the inmate is first confined.

SECTION 7. Amends Section 89.052, Health and Safety Code, to authorize the Texas Department of Health (department) or a health authority to require a governing body to provide an additional screening test or a diagnostic evaluation if the department or health authority, rather than health authority, determines that an additional test or evaluation is necessary.

SECTION 8. Amends Sections 89.053(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 9. Amends Section 89.072, Health and Safety Code, to require the department to recommend to the Commission on Jail Standards (commission) and the Texas Department of Criminal Justice (TDCJ) rules to carry out this chapter, including rules describing the transfer of employee or volunteer certificates and inmate records between facilities, rather than county or judicial district facilities.

SECTION 10. Amends Sections 89.073(b) and (c), Health and Safety Code, to set forth the terms by which the board is required to adopt substantive and procedural rules to govern the submission of standards adopted under Subsection (b), rather than county, judicial district, or private jail standards. Makes conforming changes.

SECTION 11. Amends Chapter 89, Health and Safety Code, by adding Subchapter E, as follows:

SUBCHAPTER E. CONTINUITY OF CARE

Sec. 89.101. DEFINITIONS. Defines "corrections facility" and "offender."

Sec. 89.102. REPORT OF RELEASE. Requires a corrections facility to report to the department the release of an offender who is receiving treatment for tuberculosis. Requires the department to arrange for continuity of care for the offender.

SECTION 12. Amends Section 511.011, Government Code, to require the commission, if it finds that a county jail does not comply with state law, including Chapter 89, Health and Safety Code, to report the noncompliance to certain persons and send a copy of the report to the governor.

SECTION 13. Amends Section 511.014(a), Government Code, to make a conforming change.

SECTION 14. Makes application of this Act prospective to January 1, 1998, regarding SECTIONS 1-10 and 12-13.

SECTION 15. Effective date: September 1, 1997.

SECTION 16. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 89.002, Health and Safety Code, to provide that this chapter applies only to a jail that houses inmates transferred from a county that has a jail with a capacity of at least 100 beds, or from another state, rather than a jail that houses inmates from a different county than the county in which the jail is located, or another state.

SECTION 6.

Amends Section 89.051(b), Health and Safety Code, to require an inmate to be tested on or before the seventh, rather than the 14th, day after the day the inmate is first confined.

SECTION 11.

Amends Section 89.102, Health and Safety Code, to require a corrections facility to report to the department the release of an offender who is receiving treatment for tuberculosis, rather than an offender in treatment for tuberculosis disease or infection.

Deletes former SECTION 15, regarding the adoption and implementation of a memorandum of understanding.