

## **BILL ANALYSIS**

C.S.S.B. 213  
By: Whitmire  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The purpose of the bill is to enact the recommendations of the Sunset Advisory Commission on the Texas Department of Criminal Justice, Windham School District, Board of Pardons and Paroles, and Correctional Managed Health Care Committee. Created in 1989 by consolidating Texas' adult probation, incarceration, and parole functions, TDCJ works with the Windham School District, the Correctional Managed Health Care Committee, and the Board of Pardons and Paroles, to operate and oversee the adult criminal justice system in Texas.

The Texas Board and Texas Department of Criminal Justice (TDCJ) are subject to the Sunset Act and will be abolished on September 1, 2013, unless continued by the Legislature. The Windham School District is subject to a limited purpose review by the Sunset Commission as part of the review of TDCJ for the 83rd Legislature. The Board of Pardons and Paroles is not subject to abolishment, but is subject to Sunset review at the same time as TDCJ. The Correctional Managed Health Care Committee is subject to Sunset review at the same time as TDCJ.

The Sunset Commission found that Texas has a clear and ongoing need for these entities, but that changes are needed to improve the coordination and integration of their programs, and to better measure and manage program performance to help achieve more successful outcomes, such as reducing recidivism and incarceration costs. The Sunset Advisory Commission recommended several statutory modifications that are contained in this legislation.

### **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**

#### ***Reentry and Reintegration Plan***

In addition to developing a comprehensive reentry and reintegration plan, C.S.S.B. 213 requires TDCJ to adopt this plan. The bill amends the requirements of the plan, specifying the plan must incorporate the use of the risk and needs assessment instrument; identify and define the transition services provided by TDCJ and the offenders eligible for them; coordinate the provision of reentry and reintegration services provided to offenders through state-funded and volunteer programs across divisions; provide for collecting and maintaining data on the number of offenders who received services and the number that were eligible, but did not receive services; and provide for the evaluation of the effectiveness of the reentry and reintegration services by collecting, maintaining, and reporting outcome information, including recidivism data as applicable. The bill makes conforming changes to the plan, and requires TDCJ to adopt the plan by no later than January 1, 2014 and to submit the first report no later than September 1, 2016.

C.S.S.B. 213 requires TDCJ, in consultation with the Parole Board and Windham, to establish the role of each entity in providing reentry and reintegration services. With respect to TDCJ, Parole Board and Windham, the bill requires the reentry and reintegration plan to include the reentry and reintegration responsibilities and goals of each entity, including the duties of each to

administer the risk and needs assessment instrument; the strategies for achieving the goals; and specific timeframes to implement the components of the plan for which each entity is responsible.

C.S.S.B. 213 requires TDCJ to regularly evaluate and update this reentry and reintegration plan at least every three years and specifies that TDCJ shall deliver a report of the results of the effectiveness of the reentry and reintegration services to the Lt. Governor, Speaker, and each standing committee having primary jurisdiction over TDCJ no later than September 1 of each even-numbered year. The bill also requires TDCJ to provide a copy of the initial plan and each evaluation and revision of the plan to the TDCJ board, Windham, and Parole Board. The bill repeals the current recidivism study TDCJ is required to perform in Section 501.100, Government Code.

#### ***Risk and Needs Assessment Instrument***

C.S.S.B. 213 requires TDCJ to adopt a standardized assessment tool to assess the risk and needs of each offender based on criminogenic factors, and requires TDCJ to specify a timeline for the testing, adoption, and implementation of the assessment tool, which must provide for the use of the assessment tool no later than January 1, 2015. The bill requires TDCJ and Windham to jointly determine the duties of each entity in implementing the risk assessment. The bill requires TDCJ to make the instrument available for use by each Community Supervision Corrections Department and specifies TDCJ's Community Justice Assistance Division shall require each Community Supervision and Corrections Department to use the tool to assess each defendant at the time of their initial placement on community supervision and at other times as required by the comprehensive reentry and reintegration plan.

#### ***Case Management Committee***

C.S.S.B. 213 requires each facility under the oversight of TDCJ's correctional institutions division to establish a case management committee, no later than October 1, 2013, to assess each inmate and ensure the inmate is receiving appropriate services or participating in appropriate programs. The bill specifies a case management committee must include the members of the unit classification committee and may include, based on availability and inmate needs, a rehabilitation and reentry employee, an education services or vocational training employee, a medical or mental health care employee, or a representative of a faith-based or volunteer organization. The bill requires the committee to review each inmate's individual treatment plan and, as applicable, discuss a possible treatment plan with the inmate, and to meet with each inmate upon initial placement at a facility and upon reclassification for refusal to participate in a recommended program or service.

#### ***Individual Treatment Plan***

C.S.S.B. 213 changes the proposed program of institutional progress to individual treatment plan and makes conforming changes. The bill requires TDCJ to include specific elements in an inmate's individual treatment plan, including a record of the inmate's institutional progress, the results of any assessment of the inmate, the dates on which the inmate must participate in any subsequent assessment, and all of the treatment and programming needs of the inmate, prioritized based on the inmate's assessed needs. The bill requires TDCJ to review each inmate's plan once a year and to revise or update the plan as necessary.

#### ***Reentry Task Force Membership and Duties***

C.S.S.B. 213 clarifies that TDCJ shall establish a reentry task force and specifies that TDCJ's executive director shall ensure the task force includes certain representatives. The bill expands representation to include representatives from the Parole Board, Windham, Texas Commission on Jail Standards, Department of State Health Services, Texas Court of Criminal Appeals, County Judges and Commissioners Association of Texas, Sheriffs' Association of Texas, Texas District and County Attorneys Association, and Texas Conference of Urban Counties.

C.S.S.B. 213 requires TDCJ's executive director to appoint a representative from a Community Supervision Corrections Department, an organization that advocates on behalf of offenders, a

local reentry planning entity, and a statewide organization that advocates for or provides reentry or reintegration services to released offenders. The bill also requires TDCJ's executive director, to the extent feasible, to ensure that the membership reflects the geographic diversity of the state and includes members from both rural and urban communities, and authorizes the executive director to appoint additional members as necessary. The bill requires TDCJ's executive director to appoint representatives no later than January 1, 2014. The bill also makes technical and conforming changes regarding the reentry task force, including updating the name of the Texas Youth Commission to the Texas Juvenile Justice Department.

C.S.S.B. 213 requires rather than authorizes the reentry task force to identify certain gaps in services or offenders following release or discharge and to coordinate with providers of existing local reentry and reintegration programs to make recommendations regarding the provision of services to offenders following their release or discharge. The bill also requires the reentry task force, in performing its duties, to identify its specific goals, deliverables, and intended audience or recipients of the deliverables; and specify the responsibilities of each represented entity regarding the goals and a timeline for achieving the goals and producing the deliverables.

***Clarifies TDCJ's authority to establish and contract for a correctional health care system***

C.S.S.B. 213 adds the definition of contracting entity and medical school and clarifies the powers and duties of TDCJ in contracting for offender health care. The bill requires TDCJ, in cooperation with the contracting entities, to establish a managed health care provider network of physicians and hospitals to provide health care to offenders; and to evaluate and recommend to the Texas Board of Criminal Justice sites for new medical facilities that appropriately support the managed care provider network.

C.S.S.B. 213 clarifies that TDCJ may contract with any entity to implement the managed health care plan and makes conforming changes as necessary. The bill also authorizes TDCJ to communicate with the legislature regarding the financial needs of the correctional health care system; monitor expenditures of a contracting entity; address problems found through monitoring activities; identify and address long-term needs of the system; and contract with an individual for financial and actuarial consulting services to assist the department.

C.S.S.B. 213 removes references related to specific providers in the offender health care system, including The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center, and replaces them with more general terms, such as contracting entity, governmental entity, and medical school, and makes conforming changes to allow for the participation of other providers in the system.

***Correctional Health Care System Reporting***

C.S.S.B. 213 requires TDCJ to report healthcare cost and use information to LBB and the Governor, including actual and projected expenditures for the correctional health care system, health care utilization and acuity data, and the amount of cost savings realized as a result of contracting with a provider other than UTMB and Texas Tech for offender healthcare services. The bill requires TDCJ to submit the report no later than the 30th day after the end of each fiscal quarter and specifically requires TDCJ to submit the first report no later than the 30th day after the end of the first quarter of fiscal year 2014.

***Continues the Correctional Managed Health Care Committee and changes its membership***

C.S.S.B. 213 continues the Correctional Managed Health Care Committee as an independent agency. The bill changes the Committee's membership by adding two physician members employed full-time by state medical schools other than The University of Texas Medical Branch at Galveston or the Texas Tech University Health Sciences Center as defined by the bill, appointed by the Governor. The bill also adds two members appointed by the Governor who are licensed mental health professionals. The bill allows the State Medicaid Director to appoint a full-time employee of the Health and Human Services Commission rather than serving directly on the Committee and requires this committee member to assist TDCJ with developing the expertise needed to accurately assess health care costs and determine appropriate rates. The bill

also specifies that the Committee's two public members may not be affiliated with any entity TDCJ contracts with to provide healthcare services. The bill establishes the appointment dates and terms of the members, as well as vacancy procedures, including requiring the Governor to make appointments from the first two medical schools no later than January 31, 2014.

***Aligns the Correctional Managed Health Care Committee's duties with recent changes in the State's approach to providing offender health care***

In addition to developing the managed health care plan for all persons confined by TDCJ, C.S.S.B. 213 requires the Committee to approve the plan and states that the plan specifies the types and general level of care to be provided and ensures continued access to needed care in the correctional health care system. The bill removes language that requires the plan to include the establishment of a managed health care provider network that will serve TDCJ as the exclusive health care provider for offenders; case management and utilization management studies performed for the department; and concerning the establishment of criteria for certain providers, a provision requiring the plan to accept certification by the Medicare program. The bill also requires the Committee to provide expertise to TDCJ and authorizes the Committee to appoint subcommittees to assist TDCJ in developing policies and procedures for implementation of the managed health care plan.

C.S.S.B. 213 removes the authority for the Committee to communicate with TDCJ and the legislature regarding the financial needs of the correctional health care system; monitor, in conjunction with TDCJ, the expenditures of The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center to ensure they comply with contractual requirements; address problems found through monitoring activities; and identify and address long-term needs of the correctional health care system. The bill also removes the Committee's authority to report to TDCJ's Board on the financial status of the correctional health care system and corrective actions taken by or required of TDCJ or the health care providers; and to evaluate and recommend to the TDCJ Board sites for new medical facilities that appropriately support the managed health care provider network.

C.S.S.B. 213 removes the Committee's authority to contract with an individual for financial consulting services and make use of financial monitoring of the managed health care plan to assist the committee in determining an accurate capitation rate; and to contract with an individual for actuarial consulting services to assist the committee in determining trends in the health of the inmate population and the impact of those trends on future financial needs.

***Community Supervision Funding***

C.S.S.B. 213 defines "grant program" as a grant program administered by TDCJ's Community Justice Assistance Division (division) through which it awards grants to Community Supervision Corrections Departments. The bill requires the division to establish specific goals for each grant program; grant application, review, award, and evaluation processes; an appeals process; and a routine and ongoing grant performance monitoring system. The bill also requires the division to establish and make available to the public, all criteria used in evaluating grant applications; and all factors used to measure grant program performance.

C.S.S.B. 213 requires the division to publish on its website, for each grant awarded, the amount awarded, the scoring method for grant applications, and additional information describing methods used to make the funding determination. The bill also requires each Community Supervision Corrections Department to submit program-specific outcome data for the divisions use in making grant awards and funding decisions. The bill requires the division to adopt forms, establish procedures, and take other actions necessary no later than January 1, 2014.

C.S.S.B. 213 requires the division to perform a study regarding performance-based funding, including reviewing state community supervision funding formulas, and making recommendations for modifying current funding formulas. In conducting the study and recommendations, the bill requires the division to seek input from specific entities, and in consultation with LBB, determine the impact of any recommendations on the allocation of the

division's funds as projected by LBB. The bill requires the division to include the findings, recommendations, and projected impact of the recommendations on the funding allocation in specified existing reports no later than January 1, 2017.

### ***Windham School District***

C.S.S.B. 213 requires Windham to be reviewed by the Sunset Commission in conjunction with future Sunset reviews of TDCJ. The bill also requires Windham to compile and analyze information for each of its programs, including performance-based information and data related to academic, vocational training and life skills programs. The bill specifies this information shall include, for each person who participates in district programs, an evaluation of institutional disciplinary violations; subsequent arrests; subsequent convictions or confinements; the cost of confinement; educational achievement; and high school equivalency examination passage.

C.S.S.B. 213 requires Windham to use this information to biennially evaluate whether its programs meet its statutory goals and make changes to the programs as necessary, and makes conforming changes. The bill requires Windham rather than LBB to submit a report to the legislature and the governor's office and adds the Texas Board of Criminal Justice to the list of recipients of the report. The bill authorizes Windham to enter into a memorandum of understanding with TDCJ, the Department of Public Safety, and the Texas Workforce Commission to obtain and share necessary data.

### ***Victim Impact Statements***

C.S.S.B. 213 specifies the judgment should reflect whether a Victim Impact Statement (VIS) was returned to the attorney representing the state and requires the court, as applicable in the case, to inquire as to whether a VIS has been returned to the attorney representing the state and if one has been returned, to consider the information provided in the statement. The bill specifies that if the court sentences the defendant to a term of community supervision, the attorney representing the state, rather than the court, shall forward any VIS received in the case to the community supervision corrections department supervising the defendant.

C.S.S.B. 213 requires the victim services division of TDCJ, in consultation with the Board of Pardons and Paroles, law enforcement agencies, prosecutors' offices, and other participants in the criminal justice system, to develop recommendations before January 1, 2014 to ensure completed VISs are submitted to TDCJ. Upon inquiry by the court, the bill requires the attorney representing the state rather than the victim assistance coordinator, to make available rather than send a copy of a VIS for consideration by the court sentencing the defendant. The bill specifies if the court sentences the defendant to TDCJ, the court shall attach the copy of the VIS to the commitment papers.

### ***Parole Guidelines and Range of Recommended Parole Approval Rates***

C.S.S.B. 213 requires the Parole Board to establish and maintain a range of recommended parole approval rates for each category or score within the parole guidelines and makes conforming changes to add references to the range of recommended parole approval rates throughout the bill. The bill removes the requirement for a board member or commissioner to provide a written statement if they deviate from the parole guidelines in voting on a parole decision.

C.S.S.B. 213 requires the Parole Board to prioritize the use of outside experts, technical assistance, and training in taking any action to update the guidelines or modify the range of recommended parole approval rates under the guidelines. The bill authorizes the Parole Board to modify the range of recommended parole approval rates if a modification is recommended as a result of the peer review process.

### ***Parole Peer Review Process***

C.S.S.B. 213 requires the Parole Board to conduct an annual review of the voting patterns of each regional office and individual parole panel member, and to develop and implement a peer review process by which a panel, designated by the presiding officer as specified in the bill, will

review the parole decisions of a regional office identified as deviating from the range of recommended parole approval rates by more than 5 percent above or below the recommended range.

C.S.S.B. 213 requires the peer review panel to review a reasonable sample of the cases that relate to the deviation and determine whether the deviation was justified or indicates a need for additional training, a reexamination of the parole guidelines, or a modification to the range of recommended parole approval rates to increase the reliability, validity, or effectiveness of the guidelines or range. The bill also requires the peer review panel to make recommendations to the regional office under review and to provide the presiding officer a copy of the recommendations. The bill requires the regional office under review to develop and submit a plan to implement the recommendations to the presiding officer for consideration and approval. As part of the required annual report on guidelines, the bill requires the required annual report on guidelines to include a summary of each peer review panel's recommendations and the results of any approved actions taken to implement those recommendations. The bill requires the Parole Board to establish the range of recommended parole approval rates no later than January 1, 2014 and to implement the peer review process no later than January 1, 2014.

### ***Notification of Parole Panel Decision***

For each decision of a parole panel granting or denying the release of an inmate on parole or mandatory supervision, C.S.S.B. 213 requires the parole panel to produce a written statement, in clear and understandable language, that explains the decision and only the reasons for the decision that relate specifically to the inmate. The bill requires the parole panel to provide a copy of the statement to the inmate and place a copy in the inmate's file, and requires the Parole board to keep a copy of each statement in a central location. The bill provides that the panel may withhold confidential information or information the parole panel considers to possibly jeopardize the health or safety of any individual in the written statement. The bill specifies this notification applies only to a decision of a parole panel made on or after November 1, 2013.

### ***Parole Hearings***

C.S.S.B. 213 specifies that any hearing required to be conducted by a parole panel under Chapter 508, Government Code, may be conducted by a designated agency of the Parole Board and that the designated agency may make recommendations to a parole panel that has responsibility for making a final determination.

### ***TDCJ Sunset Provision***

C.S.S.B. 213 changes the date of the next Sunset review of the Texas Board and Department of Criminal Justice to September 1, 2021.

### ***Technical Changes***

C.S.S.B. 213 changes two incorrect statutory references to community justice plans in Section 509.010(b) and Section 509.011(a), Government Code.

### ***Repeals Statutory Provisions***

C.S.S.B. 213 repeals Section 493.009(i), Section 501.100, and Sections 501.148(c) and (d) of the Government Code.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 213 may differ from the engrossed bill in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 492.012, Government Code, is amended.

SECTION 2. Chapter 493, Government Code, is amended.

SECTION 3. Section 501.092, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended.

SECTION 4. Subchapter C, Chapter 501, Government Code, is amended.

SECTION 5. Section 501.098, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended.

SECTION 6. Section 501.131, Government Code, is amended to read as follows:

Sec. 501.131. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Committee" [~~,"committee"~~] means the Correctional Managed Health Care Committee.

(2) "Contracting entity" means an entity that contracts with the department to provide health care services under this chapter.

(3) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth, or the Texas A&M University Medical Program.

SECTION 7. Section 501.133, Government Code, is amended.

SECTION 8. Section 501.136, Government Code, is amended to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. Substantially the same as engrossed version.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version.

SECTION 6. Section 501.131, Government Code, is amended to read as follows:

Sec. 501.131. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Committee" [~~,"committee"~~] means the Correctional Managed Health Care Committee.

(2) "Contracting entity" means an entity that contracts with the department to provide health care services under this chapter.

(3) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, ~~The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center,~~ the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth, or The Texas A&M University System Health Science Center.

SECTION 7. Substantially the same as engrossed version.

SECTION 8. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. APPOINTMENT; TERMS OF OFFICE; VACANCY [FOR PUBLIC MEMBERS]. (a) The two committee members appointed under Section 501.133(a)(2) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment. On the expiration of the terms, the governor shall appoint one member from each of the next two medical schools that, based on an alphabetical listing of the names of the medical schools, follow the medical schools that employ the vacating members. A medical school may not be represented at any given time by more than one member appointed under Section 501.133(a)(2).

(b) Public [Committee] members appointed under Section 501.133(a)(6) [by the governor] serve staggered four-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year.

(c) Other committee members serve at the will of the appointing official or until termination of the member's employment with the entity the member represents.

(d) If a vacancy occurs, the appropriate appointing authority shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term. If a vacancy occurs in a position appointed under Section 501.133(a)(2), the governor shall appoint a physician employed by the same medical school as that of the vacating member.

SECTION 9. Section 501.146, Government Code, is amended.

SECTION 10. Section 501.147, Government Code, is amended to read as follows:

Sec. 501.147. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO CONTRACT. (a) In conjunction with the contracting entities the department shall:

(1) establish a managed health care provider network of physicians and

Sec. 501.136. APPOINTMENT; TERMS OF OFFICE; VACANCY [FOR PUBLIC MEMBERS]. (a) The two committee members appointed under Section 501.133(a)(4) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment. On the expiration of the terms, the governor shall appoint one member from each of the next two medical schools that, based on an alphabetical listing of the names of the medical schools, follow the medical schools that employ the vacating members. A medical school may not be represented at any given time by more than one member appointed under Section 501.133(a)(4).

(b) The two committee members appointed under Section 501.133(a)(5) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment.

(c) Public [Committee] members appointed under Section 501.133(a)(6) [by the governor] serve staggered four-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year.

(d) Other committee members serve at the will of the appointing official or until termination of the member's employment with the entity the member represents.

(e) If a vacancy occurs, the appropriate appointing authority shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term. If a vacancy occurs in a position appointed under Section 501.133(a)(4), the governor shall appoint a physician employed by the same medical school as that of the vacating member.

SECTION 9. Same as engrossed version.

SECTION 10. Section 501.147, Government Code, is amended to read as follows:

Sec. 501.147. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO CONTRACT. (a) The department, in cooperation with the contracting entities, shall:

(1) establish a managed health care provider network of physicians and hospitals to



hospitals to provide health care to persons confined by the department; and

(2) evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network.

(b) The department may:

(1) communicate with the legislature regarding the financial needs of the correctional health care system;

(2) monitor the expenditures of a contracting entity to ensure that those expenditures comply with applicable statutory and contractual requirements;

(3) address problems found through monitoring activities ~~by contracting entities~~, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;

(4) identify and address long-term needs of the correctional health care system;

(5) ~~[enter into a]~~ contract with any entity to fully implement the managed health care plan under this subchapter, including contracting for health care services and the integration of those services into the managed health care provider network;

(6) contract with an individual for financial consulting services and make use of financial monitoring of the managed health care plan to assist the department in determining an accurate capitation rate; and

(7) contract with an individual for actuarial consulting services to assist the department in determining trends in the health of the inmate population and the impact of those trends on future financial needs.

(c) In contracting for the implementation of the managed health care plan, the department shall:

(1) ~~[A contract entered into under this subsection must]~~ include provisions necessary to ensure that the contracting entity ~~[The University of Texas Medical Branch at Galveston]~~ is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and~~[-]~~

(2) ~~[(b) The department may contract with other governmental entities for similar health care services and integrate those services into the managed health care provider network.~~

~~[(e) In contracting for implementation of the managed health care plan, the department,] to the extent possible, [shall]~~

provide health care to persons confined by the department; and

(2) evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network.

(b) The department may:

(1) communicate with the legislature regarding the financial needs of the correctional health care system;

(2) monitor the expenditures of a contracting entity to ensure that those expenditures comply with applicable statutory and contractual requirements;

(3) address problems found through monitoring activities, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;

(4) identify and address long-term needs of the correctional health care system;

(5) ~~[enter into a]~~ contract with any entity to fully implement the managed health care plan under this subchapter, including contracting for health care services and the integration of those services into the managed health care provider network;

(6) contract with an individual for financial consulting services and make use of financial monitoring of the managed health care plan to assist the department in determining an accurate capitation rate; and

(7) contract with an individual for actuarial consulting services to assist the department in determining trends in the health of the inmate population and the impact of those trends on future financial needs.

(c) In contracting for the implementation of the managed health care plan, the department shall:

(1) ~~[A contract entered into under this subsection must]~~ include provisions necessary to ensure that the contracting entity ~~[The University of Texas Medical Branch at Galveston]~~ is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and~~[-]~~

(2) ~~[(b) The department may contract with other governmental entities for similar health care services and integrate those services into the managed health care provider network.~~

~~[(e) In contracting for implementation of the managed health care plan, the department,] to the extent possible, [shall]~~

integrate the managed health care provider network with the [public] medical schools [of this state] and the component and affiliated hospitals of those medical schools. ~~[The contract must authorize The University of Texas Medical Branch at Galveston to contract directly with the Texas Tech University Health Sciences Center for the provision of health care services. The Texas Tech University Health Sciences Center shall cooperate with The University of Texas Medical Branch at Galveston in its efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).]~~

(d) For services that a governmental entity ~~[the public medical schools and their components and affiliates]~~ cannot provide, the department shall initiate a competitive bidding process for contracts with other providers for medical care to persons confined by the department.

~~[(e) The department, in cooperation with the committee, may contract with an individual or firm for a biennial review of, and report concerning, expenditures under the managed health care plan. The review must be conducted by an individual or firm experienced in auditing the state's Medicaid expenditures and other medical expenditures. Not later than September 1 of each even-numbered year, the department shall submit a copy of a report under this section to the health care providers that are part of the managed health care provider network established under this subchapter, the Legislative Budget Board, the governor, the lieutenant governor, and the speaker of the house of representatives.]~~

SECTION 11. Subchapter E, Chapter 501, Government Code, is amended.

SECTION 12. Subsections (a) and (b), Section 501.148, Government Code, are amended.

SECTION 13. Subsections (a) and (b), Section 501.1485, Government Code, are amended.

SECTION 14. Subchapter E, Chapter 508,

integrate the managed health care provider network with the [public] medical schools [of this state] and the component and affiliated hospitals of those medical schools. ~~[The contract must authorize The University of Texas Medical Branch at Galveston to contract directly with the Texas Tech University Health Sciences Center for the provision of health care services. The Texas Tech University Health Sciences Center shall cooperate with The University of Texas Medical Branch at Galveston in its efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).]~~

(d) For services that a governmental entity ~~[the public medical schools and their components and affiliates]~~ cannot provide, the department shall initiate a competitive bidding process for contracts with other providers for medical care to persons confined by the department.

~~[(e) The department, in cooperation with the committee, may contract with an individual or firm for a biennial review of, and report concerning, expenditures under the managed health care plan. The review must be conducted by an individual or firm experienced in auditing the state's Medicaid expenditures and other medical expenditures. Not later than September 1 of each even-numbered year, the department shall submit a copy of a report under this section to the health care providers that are part of the managed health care provider network established under this subchapter, the Legislative Budget Board, the governor, the lieutenant governor, and the speaker of the house of representatives.]~~

SECTION 11. Same as engrossed version.

SECTION 12. Same as engrossed version except for recitation.

SECTION 13. Same as engrossed version except for recitation.

SECTION 14. Same as engrossed version.

Government Code, is amended.

SECTION 15. Section 508.144, Government Code, is amended to read as follows:

Sec. 508.144. PAROLE GUIDELINES.

(a) The board shall:

- (1) develop according to an acceptable research method the parole guidelines that are the basic criteria on which a parole decision is made;
- (2) base the guidelines on the seriousness of the offense and the likelihood of a favorable parole outcome;
- (3) ensure that the guidelines require consideration of an inmate's progress in any programs in which the inmate participated during the inmate's term of confinement; and

(4) implement the guidelines.

(b) ~~[If a board member or parole commissioner deviates from the parole guidelines in voting on a parole decision, the member or parole commissioner shall:~~

~~[(1) produce a written statement describing in detail the specific circumstances regarding the departure from the guidelines;~~

~~[(2) place a copy of the statement in the file of the inmate for whom the parole decision was made; and~~

~~[(3) provide a copy of the statement to the inmate.~~

~~[(e) The board shall keep a copy of a statement made under Subsection (b) in a central location.~~

~~[(d)]~~ The board shall meet annually to review and discuss the parole guidelines developed under Subsection (a). The board may consult outside experts to assist with the review. The board shall prioritize the use of outside experts, technical assistance, and training in taking any action under Subsection (c).

The board must consider:

(1) how the parole guidelines serve the needs of parole decision-making; and

(2) the extent to which ~~[how well]~~ the parole guidelines reflect parole panel decisions[;] and

SECTION 15. Section 508.144, Government Code, is amended to read as follows:

Sec. 508.144. PAROLE GUIDELINES AND RANGE OF RECOMMENDED PAROLE APPROVAL RATES.

(a) The board shall:

(1) develop according to an acceptable research method the parole guidelines that are the basic criteria on which a parole decision is made;

(2) base the guidelines on the seriousness of the offense and the likelihood of a favorable parole outcome;

(3) ensure that the guidelines require consideration of an inmate's progress in any programs in which the inmate participated during the inmate's term of confinement; ~~[and]~~

(4) establish and maintain a range of recommended parole approval rates for each category or score within the guidelines; and

~~(5) implement the guidelines.~~

(b) ~~[If a board member or parole commissioner deviates from the parole guidelines in voting on a parole decision, the member or parole commissioner shall:~~

~~[(1) produce a written statement describing in detail the specific circumstances regarding the departure from the guidelines;~~

~~[(2) place a copy of the statement in the file of the inmate for whom the parole decision was made; and~~

~~[(3) provide a copy of the statement to the inmate.~~

~~[(e) The board shall keep a copy of a statement made under Subsection (b) in a central location.~~

~~[(d)]~~ The board shall meet annually to review and discuss the parole guidelines and range of recommended parole approval rates ~~[developed under Subsection (a)].~~ The

board may consult outside experts to assist with the review. The board shall prioritize the use of outside experts, technical assistance, and training in taking any action under Subsection (c). The board must consider:

(1) how the parole guidelines and range of recommended parole approval rates serve the needs of parole decision-making; and

(2) the extent to which ~~[how well]~~ the parole guidelines and range of recommended parole approval rates reflect

~~[(3) how well parole guidelines] predict successful parole outcomes.~~

~~(c) [(e)] Based on the board's review [of the parole guidelines] under Subsection (b) [(d)], the board may[:~~

~~[(1)] update the guidelines by:~~

~~(1) [(A)] including new risk factors; or~~

~~(2) [(B)] changing the values of offense severity or risk factor scores[; or~~

~~[(2) modify the recommended parole approval rates under the guidelines, if parole approval rates differ significantly from the recommended rates].~~

~~(d) [(f)] The board is not required to hold an open meeting to review the parole guidelines as required by Subsection (b) [(d)], but any modifications or updates to the guidelines made by the board under Subsection (c) [(e)] must occur in an open meeting.~~

No equivalent provision.

parole panel decisions [;] and

~~[(3) how well parole guidelines] predict successful parole outcomes.~~

~~(c) [(e)] Based on the board's review [of the parole guidelines] under Subsection (b) [(d)], the board may:~~

~~(1) update the guidelines by:~~

~~(A) including new risk factors; or~~

~~(B) changing the values of offense severity or risk factor scores; or~~

~~(2) modify the range of recommended parole approval rates under the guidelines, if:~~

~~(A) a modification is recommended as a result of the peer review process under Section 508.1441; or~~

~~(B) parole approval rates differ significantly from the range of recommended parole approval rates.~~

~~(d) [(f)] The board is not required to hold an open meeting to review the parole guidelines and range of recommended parole approval rates as required by Subsection (b) [(d)], but any modifications or updates to the guidelines or range of recommended parole approval rates made by the board under Subsection (c) [(e)] must occur in an open meeting.~~

SECTION 16. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1441 to read as follows:

Sec. 508.1441. REVIEW OF DEVIATIONS; PEER REVIEW PANELS.

(a) The board shall conduct an annual review of the voting patterns of each regional office and individual parole panel member to identify the offices or members that have actual parole approval rates in a fiscal year that deviate from the range of recommended parole approval rates for a given category or score by more than five percent either above or below the recommended range.

(b) The board shall develop and implement a peer review process by which a panel will review the parole decisions of a regional office identified by the board as deviating from the range of recommended parole approval rates as described by Subsection (a).

(c) The presiding officer shall designate the composition of each peer review panel and shall designate panels composed of any combination of board members and parole commissioners.

(d) In conducting a review, a peer review panel shall:

(1) review a reasonable sample of the cases of the regional office under review that relate to the deviation;

(2) determine whether the deviation:

(A) was justified; or

(B) indicates a need for additional training, a reexamination of the parole guidelines, or a modification of the range of recommended parole approval rates to increase the reliability, validity, or effectiveness of the guidelines or range; and

(3) make recommendations to the regional office under review to enable the office to more accurately align the office's actual parole approval rates with the range of recommended parole approval rates.

(e) A peer review panel shall provide the presiding officer with a copy of any recommendations made under Subsection (d)(3).

(f) A regional office under review shall develop and submit to the presiding officer for consideration and approval a plan to implement recommendations made to the office under Subsection (d)(3).

SECTION 16. Subsection (b), Section 508.1445, Government Code, is amended to read as follows:

(b) The report must include[:

~~[(1)] a brief explanation of the parole guidelines, including how the board[:~~

~~[(A)] defines the risk factors and offense severity levels[; and~~

~~[(B)] determines the recommended parole approval rates for each guideline score;~~

~~[(2)] a comparison of the recommended approval rates under the parole guidelines to the actual approval rates for individual parole panel members, regional offices, and the state as a whole; and~~

~~[(3)] a description of instances in which the actual parole approval rates do not meet the recommended approval rates under the parole guidelines, an explanation of the variations, and a list of actions that the board has taken or will take to meet the guidelines].~~

SECTION 17. Section 508.1445(b), Government Code, is amended to read as follows:

(b) The report must include:

(1) a brief explanation of the parole guidelines, including how the board:

(A) defines the risk factors and offense severity levels; and

(B) determines the range of recommended parole approval rates for each guideline score;

(2) a comparison of the range of recommended parole approval rates under the parole guidelines to the actual approval rates for individual parole panel members, regional offices, and the state as a whole; ~~[and]~~

(3) a description of instances in which the actual parole approval rates do not meet the range of recommended parole approval rates under the parole guidelines, an explanation of the variations, and a list of actions that the board has taken or will take to meet the guidelines; and

(4) a summary of each peer review panel's recommendations and the results of any approved actions taken to implement those recommendations, as described by Section

508.1441(f).

SECTION 17. The heading to Section 508.152, Government Code, is amended.

SECTION 18. Same as engrossed version.

SECTION 18. Section 508.152, Government Code, is amended.

SECTION 19. Same as engrossed version.

SECTION 19. Section 508.281, Government Code, is amended.

SECTION 20. Same as engrossed version.

SECTION 20. Chapter 509, Government Code, is amended.

SECTION 21. Same as engrossed version.

SECTION 21. Subsection (b), Section 509.010, Government Code, is amended.

SECTION 22. Same as engrossed version except for recitation.

SECTION 22. Subsection (a), Section 509.011, Government Code, is amended.

SECTION 23. Same as engrossed version except for recitation.

SECTION 23. Chapter 509, Government Code, is amended.

SECTION 24. Same as engrossed version.

SECTION 24. Subsection (a), Section 8, Article 42.09, Code of Criminal Procedure, is amended to read as follows:

No equivalent provision.

(a) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1) a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2) a copy of any order revoking community supervision and imposing sentence pursuant to Section 23, Article 42.12, including:

(A) any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B) a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3) a written report that states the nature

and the seriousness of each offense and that states the citation to the provision or provisions of the Penal Code or other law under which the defendant was convicted;

(4) a copy of the victim impact statement~~;~~  
~~if one has been~~ prepared in the case under Article 56.03 or, if a victim impact statement has not been submitted in the case, a completed form described by Article 56.04(d-1)(1);

(5) a statement as to whether there was a change in venue in the case and, if so, the names of the county prosecuting the offense and the county in which the case was tried;

(6) if requested, information regarding the criminal history of the defendant, including the defendant's state identification number if the number has been issued;

(7) a copy of the indictment or information for each offense;

(8) a checklist sent by the department to the county and completed by the county in a manner indicating that the documents required by this subsection and Subsection (c) accompany the defendant;

(9) if prepared, a copy of a presentence or postsentence investigation report prepared under Section 9, Article 42.12;

(10) a copy of any detainer, issued by an agency of the federal government, that is in the possession of the county and that has been placed on the defendant;

(11) if prepared, a copy of the defendant's Texas Uniform Health Status Update Form; and

(12) a written description of a hold or warrant, issued by any other jurisdiction, that the county is aware of and that has been placed on or issued for the defendant.

**No equivalent provision.**

SECTION 25. Article 42.01, Code of Criminal Procedure, is amended by adding Section 11 to read as follows:

Sec. 11. In addition to the information described by Section 1, the judgment should reflect whether a victim impact statement was returned to the attorney representing the state pursuant to Article 56.03(e).

**No equivalent provision.**

SECTION 26. Article 56.03(e), Code of Criminal Procedure, is amended to read as follows:

(e) Prior to the imposition of a sentence by the court in a criminal case, the court~~;~~  
~~if it has received a victim impact statement,~~

shall, as applicable in the case, inquire as to whether a victim impact statement has been returned to the attorney representing the state and, if a victim impact statement has been returned to the attorney representing the state, consider the information provided in the statement. Before sentencing the defendant, the court shall permit the defendant or the defendant's [his] counsel a reasonable time to read the statement, excluding the victim's name, address, and telephone number, comment on the statement, and, with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. If the court sentences the defendant to a term of community supervision, the attorney representing the state [court] shall forward any victim's impact statement received in the case to the community supervision and corrections department supervising the defendant[; along with the papers in the case].

SECTION 25. Article 56.04, Code of Criminal Procedure, is amended by adding Subsection (d-1) and amending Subsection (e) to read as follows:

(d-1) The victim services division of the Texas Department of Criminal Justice, in consultation with the Board of Pardons and Paroles, law enforcement agencies, prosecutors, and other participants in the criminal justice system, shall develop:

(1) a form to be used by a victim assistance coordinator to document instances in which a victim, guardian of a victim, or close relative of a deceased victim has not submitted a victim impact statement; and

(2) a standard processing procedure to be used by the office of an attorney representing the state to ensure that a victim impact statement or form described by Subdivision (1) is submitted to a court or the Texas Department of Criminal Justice as provided by Subsection (e).

(e) The victim assistance coordinator shall send a copy of a victim impact statement or form described by Subsection (d-1)(1) to the court sentencing the defendant. If the court sentences the defendant to imprisonment in the Texas Department of Criminal Justice, the court [it] shall attach the copy of the victim impact statement or form to the commitment papers.

SECTION 27. Article 56.04, Code of Criminal Procedure, is amended by adding Subsection (d-1) and amending Subsection (e) to read as follows:

(d-1) The victim services division of the Texas Department of Criminal Justice, in consultation with the Board of Pardons and Paroles, law enforcement agencies, prosecutors' offices, and other participants in the criminal justice system, shall develop

recommendations to ensure that completed victim impact statements are submitted to the Texas Department of Criminal Justice as provided by this chapter.

(e) On inquiry by the court, the attorney representing the state [The victim assistance coordinator] shall make available [send] a copy of a victim impact statement for consideration by [to] the court sentencing the defendant. If the court sentences the defendant to imprisonment in the Texas Department of Criminal Justice, the court [it] shall attach the copy of the victim impact statement to the commitment papers.



SECTION 26. Chapter 19, Education Code, is amended.

SECTION 27. Section 19.0041, Education Code, is amended.

SECTION 28. The following provisions of the Government Code are repealed:

- (1) Subsection (i), Section 493.009;
- (2) Section 501.100; and
- (3) Subsections (c) and (d), Section 501.148.

SECTION 29. Not later than October 1, 2013, each facility under the oversight of the correctional institutions division of the Texas Department of Criminal Justice shall establish a case management committee as required by Section 493.031, Government Code, as added by this Act.

SECTION 30. Not later than January 1, 2014:

- (1) the Texas Department of Criminal Justice shall adopt the comprehensive reentry and reintegration plan required by Section 501.092, Government Code, as amended by this Act; and
- (2) the executive director of the Texas Department of Criminal Justice shall appoint representatives to serve on the reentry task force as required by Section 501.098, Government Code, as amended by this Act.

SECTION 31. Not later than September 1, 2016, the Texas Department of Criminal Justice shall submit the first report required by Subsection (i), Section 501.092, Government Code, as added by this Act.

SECTION 32. Not later than January 31, 2014, the governor shall appoint one member from each of the first two medical schools, as defined by Subdivision (3), Section 501.131, Government Code, as added by this Act, based on an alphabetical listing of the names of the medical schools, to the Correctional Managed Health Care

SECTION 28. Same as engrossed version.

SECTION 29. Same as engrossed version.

SECTION 30. Substantially the same as engrossed version.

SECTION 31. Same as engrossed version.

SECTION 32. Same as engrossed version.

SECTION 33. Substantially the same as engrossed version.

SECTION 34. Similar to engrossed version, except see text of Subsec. (b) below.

Committee, so as to comply with the membership requirements of Subsection (a), Section 501.136, Government Code, as added by this Act. Notwithstanding the terms of the members as provided by Subsection (a), Section 501.136, Government Code, as added by this Act, the terms of the members appointed under this section expire February 1, 2017.

SECTION 33. Not later than January 31, 2014, the governor shall appoint the two **mental health professionals** to the Correctional Managed Health Care Committee as required by Subsection (a), Section 501.133, Government Code, as amended by this Act.

SECTION 34. Not later than the 30th day after the end of the first quarter of fiscal year 2014, the Texas Department of Criminal Justice shall submit the first report required by Section 501.1471, Government Code, as added by this Act.

SECTION 35. Section 508.1411, Government Code, as added by this Act, applies only to a decision of a parole panel made on or after November 1, 2013. A decision of a parole panel made before November 1, 2013, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

**No equivalent provision.**

SECTION 36. Not later than January 1, 2014, the community justice assistance division of the Texas Department of Criminal Justice shall adopt forms, establish

SECTION 34. (b) Not later than January 31, 2014, the governor shall appoint to the Correctional Managed Health Care Committee two members who are **licensed health professionals**, so as to comply with the membership requirements of Section 501.133(a)(5), Government Code, as added by this Act.

SECTION 35. Same as engrossed version.

SECTION 36. Same as engrossed version.

SECTION 37. Not later than January 1, 2014, the Board of Pardons and Paroles shall:

- (1) establish the range of recommended parole approval rates required by Section 508.144(a), Government Code, as amended by this Act; and
- (2) develop and begin implementation of the peer review process required by Section 508.1441, Government Code, as added by this Act.

SECTION 38. Same as engrossed version.

procedures, and take other actions necessary to comply with the requirements of Section 509.013, Government Code, as added by this Act.

SECTION 37. Not later than January 1, 2017, the community justice assistance division of the Texas Department of Criminal Justice shall include in the reports submitted under Subsection (c), Section 509.004, and Subsection (c), Section 509.016, Government Code, the findings, recommendations, and projected impact of recommendations from the first study conducted under Section 509.014, Government Code, as added by this Act.

SECTION 38. (a) The changes in law made by this Act in amending Article 42.09 and Subsection (e), Article 56.04, Code of Criminal Procedure, apply only to a defendant who is sentenced by a court or who is transferred to the Texas Department of Criminal Justice on or after January 1, 2014. A defendant who is sentenced by a court or who is transferred to the Texas Department of Criminal Justice before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Before January 1, 2014, the victim services division of the Texas Department of Criminal Justice shall develop the form and procedure required by Subsection (d-1), Article 56.04, Code of Criminal Procedure, as added by this Act.

SECTION 39. This Act takes effect September 1, 2013.

SECTION 39. Substantially the same as engrossed version.

No equivalent provision.

SECTION 40. Substantially the same as engrossed version.

SECTION 41. Same as engrossed version.