

House Bill 1, 84th Legislature, Regular Session, Article V, Rider 47

Correctional Managed Health Care. The use of appropriated funds to the Department of Criminal Justice for managed health care (CMHC) for offenders in custody shall be governed by the specific limitations included in this rider.

A. Managed Health Care Staff Loan Repayment

None of the funds appropriated above shall be used for loan repayment assistance for medical and mental health care staff without prior approval of the Legislative Budget Board.

B. Correctional Managed Health Care Committee

1. None of the funds appropriated above shall be used for payment of salaries, operating expenses, or travel expenses for staff of the Correctional Managed Health Care Committee.
2. From funds appropriated above, the Department of Criminal Justice may provide reimbursement of travel expenses incurred by the members of the Correctional Managed Health Care Committee with prior approval of the Legislative Budget Board.

C. Strategy C.1.8, Managed Health Care - Unit and Psychiatric Care

1. Together with the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, the Department of Criminal Justice shall approve a staffing model and services by unit that conform to the available annual appropriation in Strategy C.1.8, Managed Health Care - Unit and Psychiatric Care, before the beginning of each fiscal year.
2. The Texas Tech University Health Sciences Center and the University of Texas Medical Branch, shall provide unit medical and psychiatric care based on the jointly developed staffing model and services approved by the Department of Criminal Justice.
3. To the extent possible, the Department of Criminal Justice shall maintain at least one Correctional Officer or other staff that is a licensed health care professional on duty per unit at all times.
4. Receipts from inmate health care fees collected from offenders in accordance with Government Code, Section 501.063, are appropriated above in Strategy C.1.8, Managed Health Care - Unit and Psychiatric Care, estimated to be \$2,000,000 in General Revenue Funds in fiscal year 2016 and estimated to be \$2,000,000 in General Revenue Funds in fiscal year 2017. Any receipts collected in excess of \$2,000,000 in fiscal year 2016 and \$2,000,000 in fiscal

year 2017 are hereby appropriated to the department to pay the cost of correctional health care.

D. Strategy C.1.9, Managed Health Care - Hospital and Clinical Care

1. The University of Texas Medical Branch shall provide inpatient and outpatient hospital services and physician services at the University of Texas Medical Branch Hospital Galveston for offenders in the custody of the Department of Criminal Justice. Inpatient and applicable hospital outpatient services shall be reimbursed at an amount no greater than the University of Texas Medical Branch's Medicaid Tax Equity and Fiscal Responsibility Act (TEFRA) rates. Hospital outpatient services not subject to Medicaid TEFRA reimbursements shall be reimbursed at an amount not to exceed the published Medicaid fee schedules for such services. Physician services shall be reimbursed at a rate not to exceed cost.
2. The Texas Tech University Health Sciences Center, the University of Texas Medical Branch, and any other contracted CMHC health care providers shall provide inpatient and outpatient hospital services through contract hospital providers for offenders in the custody of the Department of Criminal Justice at a rate not to exceed 100% of what would be paid for similar services according to the Medicare reimbursement methodology. The Department of Criminal Justice may pay a rate in excess of Medicare reimbursement rates only after receiving prior written approval from the Legislative Budget Board.
3. The Department of Criminal Justice may provide for a medical review of the appropriateness of non-emergency medical procedures provided by the University of Texas Medical Branch Hospital Galveston.

E. Transferability

1. The Department of Criminal Justice shall not transfer any funds between Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care; C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, without prior approval of the Legislative Budget Board. When requesting the approval of the Legislative Budget Board to transfer appropriations between correctional managed health care strategies, the Department of Criminal Justice shall submit in a timely manner the request along with adequate information for evaluating the request. Any additional information requested by the Legislative Budget Board must be submitted promptly and in a manner prescribed by the Legislative Budget Board. The request shall be considered approved unless the Legislative Budget Board issues a written disapproval within thirty (30) business days after the date the Legislative Budget Board staff concludes its review of the request and forwards the review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor. Any requests for additional information by

the Legislative Budget Board interrupts the counting of the thirty (30) business days.

2. This transferability limitation extends to the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, upon receipt of funding from the Department of Criminal Justice.

F. Reimbursement to Contracted Health Care Providers

1. At the beginning of each quarter, the Department of Criminal Justice shall prepay the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, one quarter of the annual appropriation for services to be rendered under contract.
2. The Department of Criminal Justice shall reimburse the Texas Tech University Health Sciences Center and the University of Texas Medical Branch, for actual costs, including indirect administrative services based on generally accepted accounting principles. The total reimbursements shall not exceed amounts appropriated above in Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, unless prior approval is provided by the Legislative Budget Board.
3. Informational Item - In addition to the CMHC appropriations made above in TDCJ, other CMHC-related appropriations are made elsewhere in the General Appropriations Act. Certain University of Texas Medical Branch (UTMB) and Texas Tech University Health Sciences Center (TTUHSC) employees deliver TDCJ-contracted CMHC services. UTMB and TTUHSC receive General Revenue Funds in state reimbursements for a portion of the benefits provided to these university employees. This funding is provided through the various state agencies/systems that administer benefits for higher education employees.

G. Reporting Requirements

1. The Department of Criminal Justice is required to submit quarterly to the Legislative Budget Board and the Office of the Governor a report detailing:
 - i. correctional managed health care actual and projected expenditures for unit and psychiatric care, hospital and clinical care, and pharmacy;
 - ii. health care utilization and acuity data; and
 - iii. other health care information determined by the Office of the Governor and the Legislative Budget Board.
2. The Texas Tech University Health Sciences Center, the University of Texas Medical Branch, and any other contracted CMHC health care providers shall

provide the Department of Criminal Justice with necessary documentation to fulfill the reporting requirements contained in this section.

H. Managed Health Care Operational Shortfalls

1. If deemed necessary by the Department of Criminal Justice, appropriations may be transferred into Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, with prior approval of the Legislative Budget Board.
2. In addition to transfer authority provided elsewhere in this Act, the Department of Criminal Justice may transfer appropriations made in Strategies C.1.8, Managed Health Care - Unit and Psychiatric Care, C.1.9, Managed Health Care - Hospital and Clinical Care, and C.1.10, Managed Health Care - Pharmacy, for fiscal year 2017 to fiscal year 2016 with prior approval of the Legislative Budget Board.
3. When requesting the approval of the Legislative Budget Board to transfer appropriations for the purposes described in paragraphs H.1 and H.2 above, the Department of Criminal Justice shall submit in a timely manner the request along with adequate information for evaluating the request. Any additional information requested by the Legislative Budget Board must be submitted promptly and in a manner prescribed by the Legislative Budget Board. The request shall be considered approved unless the Legislative Budget Board issues a written disapproval within thirty (30) business days after the date the Legislative Budget Board staff concludes its review of the request and forwards the review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor. Any requests for additional information by the Legislative Budget Board interrupts the counting of the thirty (30) business days.