



TEXAS JAIL PROJECT

HB 3447 County Jail Medical Neglect and Abuse Prevention Legislation

87th Legislature Session, 2021

The purpose of the legislation is to prevent medical neglect and abuse of people incarcerated in county jails, particularly those with disabilities and mental illness, by giving the Texas Commission on Jail Standards (TCJS) more oversight authority on issues surrounding the health and safety of people in county jails. The legislation will establish streamlined and transparent processes through which authorized persons can communicate and receive critical health information about their incarcerated loved ones. Often, family members who are authorized by incarcerated persons to discuss their health information are prevented from accessing critical medical information, disparately impacting people with disabilities, mental illness, or who are reliant upon medication.

Problem(s) Legislation Addresses

- The legislation will address a gap in code by clearly establishing the responsibility of the Texas Commission on Jail Standards to confirm the health and wellbeing of people in county jail when a complaint is submitted citing concerns of abuse, neglect (including medical neglect), and unsafe conditions.
- The legislation will empower families to check on the health and wellbeing of incarcerated persons by instructing the Texas Commission on Jail Standards to require county jails to designate one employee as a Family Liaison Officer. The Family Liaison Officer will be required provide relatives (or other authorized persons) with information about the health of loved ones in the county jail, notify people in jail about emergencies involving their families, assist relatives and others during visits, resolve problems that may affect permitted contact, and inform individuals authorized by an incarcerated person as to when the incarcerated person requires medical attention outside of routine medical checks.

- The legislation will support more equitable health outcomes by establishing a statewide standardized process for the release of medical information. Currently, county jails utilize different forms for the release of medical information. The legislation instructs the Texas Commission on Jail Standards to adopt a standardized medical authorization form for incarcerated persons to authorize the release of medical information by the county jail to an individual named on the form. County Jails will be required to utilize this form.
- The legislation will establish a centralized and streamlined process for ensuring that families can receive documentation and a reference number confirming that they have been authorized by an incarcerated person to discuss and have medical information released to them. On the request of the incarcerated person, the county jail will submit the medical authorization form to the Texas Commission on Jail Standards who will then provide authorized persons with a reference number. The authorized individual with a reference number will then be able to obtain or discuss medical information concerning the incarcerated person with/from the county jail and /or family liaison officer.
- The legislation will increase transparency by requiring additional reporting on complaints. The legislation instructs the commission to, on February 1 of each year, provide a report to the Governor and legislature on these complaints for each county jail which will include, the number of complaints submitted, including regarding medical neglect and alleging that the Family Liaison officer failed to disclose information to an authorized individual in possession of a reference number, and complaints resolved by the commission.