

**TITLE 37
PART 6
CHAPTER 159
RULE §159.21**

**PUBLIC SAFETY AND CORRECTIONS
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
SPECIAL PROGRAMS**

**Continuity of Care and Service Program for Offenders who are
Persons with Mental Impairments, Physical Disabilities, Terminal or
Significant Illnesses, or who are Elderly**

Proposed Amendments Preamble

The Texas Board of Criminal Justice (board) proposes amendments to § 159.21, concerning Continuity of Care and Service Program for Offenders who are Persons with Mental Impairments, Physical Disabilities, Terminal or Significant Illnesses, or who are Elderly. The proposed amendments revise the title for clarity; remove the Memorandum of Understanding as an attachment to the rule; and make other formatting and grammatical updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely clarify existing procedures.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely clarify existing procedures. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required. The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code § 492.001, which establishes the board's authority over the department; § 492.013, which authorizes the board to adopt rules; Texas Health and Safety Code §§ 614.013-.016, which mandates a memorandum of understanding be established for the continuity of care for offenders with mental impairments, elderly offenders, offenders with physical disabilities, terminal illnesses, or significant illnesses, and for certain offenders by law enforcement and jails.

Cross Reference to Statutes: None.

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TEXAS DEPARTMENT OF CRIMINAL JUSTICE
SPECIAL PROGRAMS**

Continuity of Care and Services Program for Offenders who are Elderly, have a Mental Impairment or Physical Disability, or have Significant or Terminal Illness ~~Persons with Mental Impairments, Physical Disabilities, Terminal or Significant Illnesses, or who are Elderly~~

(a) The Texas Department of Criminal Justice (TDCJ), through the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), adopts ~~a the following~~ memorandum of understanding (MOU) with the Texas Commission on Law Enforcement (TCOLE), the Texas Commission on Jail Standards (TCJS), and the Texas Department of Public Safety of the State of Texas (DPS) concerning a continuity of care and services program for offenders who are elderly, have a mental impairment or physical disability, or have significant or terminal illness ~~persons with mental impairments, physical disabilities, terminal or significant illnesses, or who are elderly.~~

(b) The MOU is required by the Texas Health and Safety Code, § 614.016.

(c) Copies of the MOU are filed in the Texas Correctional Office on Offenders with Medical or Mental Impairments, 4616 W. Howard Lane, Suite 200, Austin, Texas 78728 and may be reviewed during regular business hours.