

A BILL TO BE ENTITLED

AN ACT

relating to the identification requirements for health professionals associated with certain health facilities; authorizing administrative and civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 4, Health and Safety Code, is amended by adding Chapter 226 to read as follows:

CHAPTER 226. REGULATION OF CERTAIN HEALTH FACILITIES

Sec. 226.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Health facility" means:

(A) a freestanding emergency medical care facility licensed under Chapter 254; and

(B) an urgent care clinic.

(3) "Health professional" means:

(A) a physician;

(B) a physician assistant; or

(C) a nurse, including an advanced practice registered nurse.

(4) "Urgent care clinic" means a facility providing health care that:

(A) provides episodic ambulatory health care to individuals outside of a hospital emergency room setting;

1 (B) does not require an individual to make an
2 appointment;

3 (C) provides some services typically provided in
4 a primary care physician's office; and

5 (D) treats individuals requiring treatment of an
6 illness or injury that requires immediate care but is not
7 life-threatening.

8 Sec. 226.002. PHOTO IDENTIFICATION BADGE REQUIRED. (a) A
9 health facility shall adopt a policy requiring a health
10 professional providing direct patient care at the facility to wear
11 a photo identification badge during all patient encounters, unless
12 precluded by adopted isolation or sterilization protocols. The
13 badge must be of sufficient size, be prominently worn and clearly
14 visible, and state:

15 (1) at a minimum the professional's first or last name;

16 (2) the department of the facility with which the
17 professional is associated;

18 (3) the type of any license held by the professional
19 under Title 3, Occupations Code; and

20 (4) if applicable, the professional's status as a
21 student, intern, trainee, or resident.

22 (b) For purposes of Subsection (a)(3), the identification
23 badge of a health professional licensed under Title 3, Occupations
24 Code, must clearly state:

25 (1) "physician" for a professional who holds a license
26 under Subtitle B of that title;

27 (2) "physician assistant" for a professional who holds

1 a license under Chapter 204, Occupations Code; and

2 (3) "nurse" or "advanced practice registered nurse,"
3 as applicable, for a professional who holds a license under
4 Subtitle E, Title 3, Occupations Code.

5 Sec. 226.003. ADMINISTRATIVE PENALTY. (a) The commission
6 may impose an administrative penalty on a freestanding emergency
7 medical care facility that violates this chapter.

8 (b) The amount of the penalty imposed may not exceed \$1,000
9 for each violation, and each day a violation continues or occurs is
10 a separate violation for the purpose of imposing a penalty. The
11 amount shall be based on:

12 (1) the seriousness of the violation, including the
13 nature, circumstances, extent, and gravity of the violation;

14 (2) the history of previous violations;

15 (3) the amount necessary to deter a future violation;

16 (4) the efforts to correct the violation; and

17 (5) any other matter that justice may require.

18 (c) The enforcement of the penalty may be stayed during the
19 time the order is under judicial review if the person pays the
20 penalty to the clerk of the court or files a supersedeas bond with
21 the court in the amount of the penalty. A person who cannot afford
22 to pay the penalty or file the bond may stay the enforcement by
23 filing an affidavit in the manner required by the Texas Rules of
24 Civil Procedure for a party who cannot afford to file security for
25 costs, subject to the right of the commission to contest the
26 affidavit as provided by those rules.

27 (d) The attorney general may sue to collect the penalty.

1 The attorney general and the commission may recover reasonable
2 expenses incurred in obtaining relief under this section, including
3 court costs, reasonable attorney's fees, investigation costs,
4 witness fees, and deposition expenses.

5 (e) A proceeding to impose the penalty is considered to be a
6 contested case under Chapter 2001, Government Code.

7 Sec. 226.004. CIVIL PENALTY. (a) A health facility that
8 violates this chapter is liable for a civil penalty of not more than
9 \$1,000 for each violation. Each day of a continuing violation
10 constitutes a separate ground for recovery.

11 (b) On request by the commission, the attorney general may
12 institute an action in a district court to collect a civil penalty
13 under this section. The attorney general and the commission may
14 recover reasonable expenses incurred in obtaining relief under this
15 section, including court costs, reasonable attorney's fees,
16 investigation costs, witness fees, and deposition expenses.

17 SECTION 2. This Act takes effect September 1, 2021.