

By: Kolkhorst

S.B. No. 401

A BILL TO BE ENTITLED

AN ACT

relating to prices charged by a medical staffing services agency during a declared state of disaster; providing a civil penalty.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PRICE GOUGING OF MEDICAL STAFFING SERVICES DURING
DECLARED STATE OF DISASTER

Sec. 81B.001. DEFINITION. In this chapter, "designated disaster period" means the period:

(1) beginning on the earlier of:

(A) the date:

(i) the governor issues a proclamation or executive order declaring a state of disaster for any area of this state; or

(ii) the president of the United States declares a state of disaster that includes an area of this state as part of the federally declared disaster area; or

(B) the date a disaster described by Paragraph (A) occurs; and

(2) ending on the 30th day after the date the disaster declaration expires or is terminated.

Sec. 81B.002. APPLICABILITY. This chapter applies only to a medical staffing services agency that provides the following

1 health care professionals to fill vacancies or address temporary
2 staffing needs during a designated disaster period:

3 (1) physician assistants licensed under Chapter 204,
4 Occupations Code;

5 (2) surgical assistants licensed under Chapter 206,
6 Occupations Code; or

7 (3) nurses licensed under Chapter 301, Occupations
8 Code.

9 Sec. 81B.003. PROHIBITED PRICE GOUGING DURING DECLARED
10 STATE OF DISASTER. During a designated disaster period, a medical
11 staffing services agency to which this chapter applies may not
12 charge an exorbitant or excessive price to provide medical staffing
13 services to a health care organization or other entity in this state
14 in an area subject to a declared state of disaster.

15 Sec. 81B.004. CIVIL PENALTY. (a) A medical staffing
16 services agency that violates this chapter is subject to a civil
17 penalty in an amount not to exceed \$1,000 for each violation.

18 (b) The attorney general may bring an action in the name of
19 the state to recover a civil penalty under this section.

20 (c) The attorney general may recover reasonable expenses
21 incurred in obtaining a civil penalty under this section, including
22 court costs, reasonable attorney's fees, expert witness fees,
23 deposition expenses, and investigatory costs.

24 SECTION 2. The changes in law made by this Act apply only to
25 an act that occurs on or after the effective date of this Act. An
26 act that occurs before the effective date of this Act is governed by
27 the law in effect on the date the act occurred, and the former law is

1 continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2023.