

By: Hall

S.B. No. 128

A BILL TO BE ENTITLED

AN ACT

relating to hospital reporting requirements regarding suspected child abuse, exploitation, or neglect; authorizing an administrative penalty.

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

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. CHILD ABUSE, EXPLOITATION, OR NEGLECT REPORTING REQUIREMENTS

Sec. 241.451. SUSPECTED CHILD ABUSE, EXPLOITATION, OR NEGLECT REPORTS. (a) In this section, "abuse," "exploitation," and "neglect" have the meanings assigned by Section 261.001, Family Code.

(b) Not later than the fifth day of each month, a hospital shall submit a report to the commission containing the following information:

(1) the number of reports made during the preceding month by the hospital or an agent or employee of the hospital to the Department of Family and Protective Services under Chapter 261, Family Code, regarding alleged or suspected abuse, exploitation, or neglect of a child;

(2) whether the hospital informed the parent, legal guardian, managing conservator, or possessory conservator of a child who is the subject of a report described by Subdivision (1)

1 that the parent, legal guardian, managing conservator, or
2 possessory conservator may obtain an alternative opinion regarding
3 the appropriate course of medical treatment for the child; and

4 (3) any code indicating alleged or suspected abuse,
5 exploitation, or neglect that the hospital used for purposes of
6 diagnosing or treating a child who is the subject of a report
7 described by Subdivision (1), including, as applicable, the Current
8 Procedural Terminology (CPT) code, the Diagnosis Related Group
9 (DRG) code, the International Classification of Diseases (ICD)
10 code, or another common identifier.

11 (c) A hospital shall attach to each report submitted under
12 Subsection (b) a signed affidavit from each physician who during
13 the period covered by the report assigned or caused to be assigned a
14 code described by Subsection (b)(3) for purposes of diagnosing or
15 treating a child who is a subject of the report. The affidavit must
16 include the name of the physician who assigned the code or caused
17 the code to be assigned and a statement establishing whether the
18 physician assigned the code based on the physician's direct
19 observation of the child or based on information provided to the
20 physician by an agent or employee of the hospital. The information
21 contained in an affidavit required under this subsection is
22 confidential and not subject to disclosure under Chapter 552,
23 Government Code.

24 (d) If the information required to be included in the report
25 under Subsection (b)(3) is not available at the time a report is
26 submitted, the hospital shall include that information in the next
27 report required to be submitted by the hospital after the date the

1 information required by that subdivision becomes available and
2 attach to that next report any affidavit described by Subsection
3 (c) related to that information.

4 (e) A hospital shall submit the report required under
5 Subsection (b) in the form and manner prescribed by commission
6 rule.

7 Sec. 241.452. ADMINISTRATIVE PENALTY. (a) The commission
8 shall impose an administrative penalty on a hospital that violates
9 Section 241.451.

10 (b) Before imposing an administrative penalty on a hospital
11 under Subsection (a), the commission must provide written notice to
12 the hospital that:

13 (1) the hospital is in violation of Section 241.451
14 because the hospital has failed to timely submit a report required
15 under that section;

16 (2) the hospital has 15 days to submit the required
17 report; and

18 (3) if the hospital does not submit the required
19 report within 15 days of receiving notice of the violation, the
20 hospital will be subject to an administrative penalty for each day
21 the violation continues.

22 (c) The commission shall set an administrative penalty
23 imposed under this section in an amount sufficient to ensure
24 compliance by hospitals with Section 241.451, subject to the
25 limitations prescribed by Subsection (d).

26 (d) For a hospital with one of the following total gross
27 revenues as reported to the Centers for Medicare and Medicaid

1 Services or to another entity designated by commission rule in the
2 year preceding the year in which an administrative penalty is
3 imposed under this section, the penalty imposed by the commission
4 may not exceed:

5 (1) \$10 for each day the hospital violates Section
6 241.451, beginning on the 16th day after the date the hospital
7 received notice from the commission, if the hospital's total gross
8 revenue is less than \$10 million;

9 (2) \$100 for each day the hospital violates Section
10 241.451, beginning on the 16th day after the date the hospital
11 received notice from the commission, if the hospital's total gross
12 revenue is \$10 million or more and less than \$100 million; and

13 (3) \$1,000 for each day the hospital violates Section
14 241.451, beginning on the 16th day after the date the hospital
15 received notice from the commission, if the hospital's total gross
16 revenue is \$100 million or more.

17 (e) Each day a violation continues is considered a separate
18 violation.

19 (f) Notwithstanding any other provision of this section, an
20 administrative penalty ceases to be incurred on the date a
21 violation is corrected.

22 (g) In determining the amount of an administrative penalty
23 to impose on a hospital under this section, the commission shall
24 consider:

25 (1) previous violations by the hospital;

26 (2) the seriousness of the violation;

27 (3) the demonstrated good faith of the hospital; and

1 (4) any other matters as justice may require.

2 (h) An administrative penalty collected under this section
3 shall be deposited to the credit of an account in the general
4 revenue fund administered by the commission. Money in the account
5 may be appropriated only to the commission.

6 Sec. 241.453. SUMMARY REPORT. The commission shall submit
7 a written quarterly report to the legislature summarizing the
8 content of the reports submitted to the commission under Section
9 241.451(b) during the preceding quarter.

10 Sec. 241.454. RULES. The executive commissioner shall
11 adopt rules necessary to implement this subchapter.

12 SECTION 2. This Act takes effect September 1, 2025.