

AN ACT

relating to sanctions imposed against certain facilities by the Texas Department of Health.

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

SECTION 1. The heading to Section 241.053, Health and Safety Code, is amended to read as follows:

Sec. 241.053. DENIAL OF APPLICATION, SUSPENSION, REVOCATION, PROBATION, OR REISSUANCE OF LICENSE.

SECTION 2. Section 241.053, Health and Safety Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) If the department finds that a hospital is in repeated noncompliance under Subsection (a) but that the noncompliance does not endanger public health and safety, the department may schedule the hospital for probation rather than suspending or revoking the hospital's license. The department shall provide notice to the hospital of the probation and of the items of noncompliance not later than the 10th day before the date the probation period begins. The department shall designate a period of not less than 30 days during which the hospital will remain under probation. During the probation period, the hospital must correct the items that were in noncompliance and report the corrections to the department for approval.

(g) The department may suspend or revoke the license of a hospital that does not correct items that were in noncompliance or

1 that does not comply with the applicable requirements within the  
2 applicable probation period.

3 SECTION 3. The heading to Section 243.011, Health and  
4 Safety Code, is amended to read as follows:

5 Sec. 243.011. DENIAL, SUSPENSION, PROBATION, OR REVOCATION  
6 OF LICENSE.

7 SECTION 4. Section 243.011, Health and Safety Code, is  
8 amended by adding Subsections (c) and (d) to read as follows:

9 (c) If the department finds that an ambulatory surgical  
10 center is in repeated noncompliance with this chapter or rules  
11 adopted under this chapter but that the noncompliance does not  
12 endanger public health and safety, the department may schedule the  
13 center for probation rather than suspending or revoking the  
14 center's license. The department shall provide notice to the  
15 center of the probation and of the items of noncompliance not later  
16 than the 10th day before the date the probation period begins. The  
17 department shall designate a period of not less than 30 days during  
18 which the center will remain under probation. During the probation  
19 period, the center must correct the items that were in  
20 noncompliance and report the corrections to the department for  
21 approval.

22 (d) The department may suspend or revoke the license of an  
23 ambulatory surgical center that does not correct items that were in  
24 noncompliance or that does not comply with this chapter or the rules  
25 adopted under this chapter within the applicable probation period.

26 SECTION 5. The heading to Section 244.011, Health and  
27 Safety Code, is amended to read as follows:

1           Sec. 244.011. DENIAL, SUSPENSION, PROBATION, OR REVOCATION  
2 OF LICENSE.

3           SECTION 6. Section 244.011, Health and Safety Code, is  
4 amended by adding Subsections (c) and (d) to read as follows:

5           (c) If the department finds that a birthing center is in  
6 repeated noncompliance under Subsection (a) but that the  
7 noncompliance does not endanger public health and safety, the  
8 department may schedule the center for probation rather than  
9 suspending or revoking the center's license. The department shall  
10 provide notice to the center of the probation and of the items of  
11 noncompliance not later than the 10th day before the date the  
12 probation period begins. The department shall designate a period  
13 of not less than 30 days during which the center will remain under  
14 probation. During the probation period, the center must correct  
15 the items that were in noncompliance and report the corrections to  
16 the department for approval.

17           (d) The department may suspend or revoke the license of a  
18 birthing center that does not correct items that were in  
19 noncompliance or that does not comply with the applicable  
20 requirements within the applicable probation period.

21           SECTION 7. The heading to Section 245.012, Health and  
22 Safety Code, is amended to read as follows:

23           Sec. 245.012. DENIAL, SUSPENSION, PROBATION, OR REVOCATION  
24 OF LICENSE.

25           SECTION 8. Section 245.012, Health and Safety Code, is  
26 amended by adding Subsections (d) and (e) to read as follows:

27           (d) If the department finds that an abortion facility is in

1 repeated noncompliance with this chapter or rules adopted under  
2 this chapter but that the noncompliance does not in any way involve  
3 the health and safety of the public or an individual, the department  
4 may schedule the facility for probation rather than suspending or  
5 revoking the facility's license. The department shall provide  
6 notice to the facility of the probation and of the items of  
7 noncompliance not later than the 10th day before the date the  
8 probation period begins. The department shall designate a period  
9 of not less than 30 days during which the facility will remain under  
10 probation. During the probation period, the facility must correct  
11 the items that were in noncompliance and report the corrections to  
12 the department for approval.

13 (e) The department may suspend or revoke the license of an  
14 abortion facility that does not correct items that were in  
15 noncompliance or that does not comply with this chapter or the rules  
16 adopted under this chapter within the applicable probation period.

17 SECTION 9. The heading to Section 248.051, Health and  
18 Safety Code, is amended to read as follows:

19 Sec. 248.051. [~~LICENSE~~] DENIAL, SUSPENSION, PROBATION, OR  
20 REVOCAION OF LICENSE.

21 SECTION 10. Section 248.051, Health and Safety Code, is  
22 amended by adding Subsections (c) and (d) to read as follows:

23 (c) If the department finds that a special care facility is  
24 in repeated noncompliance with this chapter or rules adopted under  
25 this chapter but that the noncompliance does not endanger public  
26 health and safety, the department may schedule the facility for  
27 probation rather than suspending or revoking the facility's

1 license. The department shall provide notice to the facility of the  
2 probation and of the items of noncompliance not later than the 10th  
3 day before the date the probation period begins. The department  
4 shall designate a period of not less than 30 days during which the  
5 facility will remain under probation. During the probation period,  
6 the facility must correct the items that were in noncompliance and  
7 report the corrections to the department for approval.

8 (d) The department may suspend or revoke the license of a  
9 special care facility that does not correct items that were in  
10 noncompliance or that does not comply with this chapter or the rules  
11 adopted under this chapter within the applicable probation period.

12 SECTION 11. The heading to Section 251.062, Health and  
13 Safety Code, is amended to read as follows:

14 Sec. 251.062. DENIAL, SUSPENSION, PROBATION, OR REVOCATION  
15 OF LICENSE.

16 SECTION 12. Section 251.062, Health and Safety Code, is  
17 amended by adding Subsections (c) and (d) to read as follows:

18 (c) If the department finds that an end stage renal disease  
19 facility is in repeated noncompliance with this chapter or rules  
20 adopted under this chapter but that the noncompliance does not  
21 endanger public health and safety, the department may schedule the  
22 facility for probation rather than suspending or revoking the  
23 facility's license. The department shall provide notice to the  
24 facility of the probation and of the items of noncompliance not  
25 later than the 10th day before the date the probation period begins.  
26 The department shall designate a period of not less than 30 days  
27 during which the facility will remain under probation. During the

1 probation period, the facility must correct the items that were in  
2 noncompliance and report the corrections to the department for  
3 approval.

4 (d) The department may suspend or revoke the license of an  
5 end stage renal disease facility that does not correct items that  
6 were in noncompliance or that does not comply with this chapter or  
7 the rules adopted under this chapter within the applicable  
8 probation period.

9 SECTION 13. Subchapter E, Chapter 251, Health and Safety  
10 Code, is amended by adding Section 251.0621 to read as follows:

11 Sec. 251.0621. EMERGENCY SUSPENSION. The department may  
12 issue an emergency order to suspend a license issued under this  
13 chapter if the department has reasonable cause to believe that the  
14 conduct of a license holder creates an immediate danger to the  
15 public health and safety. An emergency suspension is effective  
16 immediately without a hearing on notice to the license holder. On  
17 written request of the license holder, the department shall conduct  
18 a hearing not earlier than the 10th day or later than the 30th day  
19 after the date the hearing request is received to determine if the  
20 emergency suspension is to be continued, modified, or rescinded.  
21 The hearing and any appeal are governed by the department's rules  
22 for a contested case hearing and Chapter 2001, Government Code.

23 SECTION 14. The heading to Section 577.016, Health and  
24 Safety Code, is amended to read as follows:

25 Sec. 577.016. DENIAL, SUSPENSION, PROBATION, OR REVOCATION  
26 OF LICENSE.

27 SECTION 15. Section 577.016, Health and Safety Code, is

1 amended by adding Subsections (f) and (g) to read as follows:

2 (f) If the department finds that a private mental hospital  
3 or mental health facility is in repeated noncompliance under  
4 Subsection (a) but that the noncompliance does not endanger public  
5 health and safety, the department may schedule the hospital or  
6 facility for probation rather than suspending or revoking the  
7 license of the hospital or facility. The department shall provide  
8 notice to the hospital or facility of the probation and of the items  
9 of noncompliance not later than the 10th day before the date the  
10 probation period begins. The department shall designate a period  
11 of not less than 30 days during which the hospital or facility will  
12 remain under probation. During the probation period, the hospital  
13 or facility must correct the items that were in noncompliance and  
14 report the corrections to the department for approval.

15 (g) The department may suspend or revoke the license of a  
16 private mental hospital or mental health facility that does not  
17 comply with the applicable requirements within the applicable  
18 probation period.

19 SECTION 16. This Act takes effect immediately if it  
20 receives a vote of two-thirds of all the members elected to each  
21 house, as provided by Section 39, Article III, Texas  
22 Constitution. If this Act does not receive the vote necessary for  
23 immediate effect, this Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 162 passed the Senate on March 19, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 162 passed the House, with amendment, on May 25, 2003, by the following vote: Yeas 117, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor