

BILL ANALYSIS

Senate Research Center
79R13904 HLT-F

H.B. 2471
By: Delisi (Nelson)
Health & Human Services
5/17/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 75th Legislature enacted S.B. 422, which authorized a hospital with multiple hospital locations to receive a single license. These facilities had to be located within a 30-mile radius of the license holder. This was intended to reduce the administrative burden for these facilities as more hospitals were entering into larger healthcare systems.

A few situations have occurred recently where facilities under a single license have closed their emergency departments and directed patients to another facility within the license that had an emergency room. The general public reasonably assumes that a facility with the blue "H" (hospital) sign provides at least basic emergency care at that facility and being diverted to another location in an emergency could be dangerous. H.B. 2471 requires that hospitals under one license must have emergency services unless they are within close geographic proximity of another hospital under the same license, or they receive a waiver exempting them from this requirement.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 (Section 241.023, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Health, the following amendments affect the Department of State Health Services, as the successor agency to the Department of Health.]

SECTION 1. Amends Section 241.023, Health and Safety Code, by amending Subsection (c) and adding Subsections (c-1) through (c-3), as follows:

(c) Authorizes the Texas Department of Health (department), except as provided by Subsection (c-1), to issue a license only for the premises of a hospital and person or governmental unit named in the application.

(c-1) Authorizes the department to issue one license for multiple hospitals under certain conditions.

(c-2) Authorizes the hospital licensing director to recommend a waiver of certain requirements under certain conditions.

(c-3) Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the waiver provision of Subsection (c-2). Requires the rules to provide for a determination by the department that the waiver will facilitate the creation or operation of the hospital seeking the waiver and that the waiver is in the best interest of the individuals served or to be served by the hospital.

SECTION 2. Repealer: Section 241.003(14), Health and Safety Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.