

By: Kent

H.B. No. 3084

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for a false report or a failure to report in connection with certain recordkeeping requirements under the jurisdiction of the Department of State Health Services.

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

SECTION 1. Subchapter A, Chapter 435, Health and Safety Code, is amended by adding Section 435.015 to read as follows:

Sec. 435.015. FALSE REPORT; FAILURE TO REPORT; CRIMINAL PENALTY. (a) A person commits an offense if the person intentionally:

(1) makes or causes to be made a false entry in an account, record, or memorandum kept by a person subject to this chapter;

(2) neglects or fails to make or cause to be made full entries in an account, record, or memorandum kept by a person subject to this chapter of all facts and transactions pertaining to the person's business;

(3) removes from the jurisdiction of this state or mutilates, alters, or otherwise falsifies documentary evidence of a person subject to this chapter; or

(4) refuses to submit to the department or to the department's authorized agent, for inspection and copying, documentary evidence in the person's possession or control of a person subject to this chapter.

1 (b) An offense under this section is punishable by a fine of
2 not less than \$1,000 or more than \$5,000, imprisonment for not more
3 than three years, or both.

4 SECTION 2. Subchapter C, Chapter 436, Health and Safety
5 Code, is amended by adding Section 436.041 to read as follows:

6 Sec. 436.041. FALSE REPORT; FAILURE TO REPORT; CRIMINAL
7 PENALTY. (a) A person commits an offense if the person
8 intentionally:

9 (1) makes or causes to be made a false entry in an
10 account, record, or memorandum kept by a person subject to this
11 chapter;

12 (2) neglects or fails to make or cause to be made full
13 entries in an account, record, or memorandum kept by a person
14 subject to this chapter of all facts and transactions pertaining to
15 the person's business;

16 (3) removes from the jurisdiction of this state or
17 mutilates, alters, or otherwise falsifies documentary evidence of a
18 person subject to this chapter; or

19 (4) refuses to submit to the director, to an
20 authorized agent, or to a health authority, for inspection and
21 copying, documentary evidence in the person's possession or control
22 of a person subject to this chapter.

23 (b) An offense under this section is punishable by a fine of
24 not less than \$1,000 or more than \$5,000, imprisonment for not more
25 than three years, or both.

26 SECTION 3. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 covered by the law in effect when the offense was committed, and the
3 former law is continued in effect for that purpose. For purposes of
4 this section, an offense was committed before the effective date of
5 this Act if any element of the offense was committed before that
6 date.

7 SECTION 4. This Act takes effect September 1, 2009.