

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1489 by Thompson (Relating to the practice of nursing; providing civil penalties.), As Introduced

No significant fiscal implication to the State is anticipated.

The bill would add a subchapter, Hospital Patient Protection Act, to Chapter 241, Health and Safety Code, which would include requirements related to minimum nurse staffing levels, establishment of a hospital patient classification system, establishment of a statewide patient classifications system and advisory committee. The bill would amend Chapter 241 by increasing the amount of a civil penalty to not more than \$25,000 for each violation and \$10,000 for each shift that operates with insufficient staffing levels. The bill would add a subchapter to Chapter 301, Occupations Code, for direct care registered nurses. Provisions related to nursing services would take effect January 1, 2010, and provisions related to nurse staffing requirements would take effect March 1, 2010; otherwise, the bill would take effect September 1, 2009.

Section 241.004, Health and Safety Code, currently exempts facilities that are maintained or operated by the state or an agency of the state from provisions of the chapter; therefore, this analysis assumes there would be no cost to state agencies or institutions to implement the bill. The Department of State Health Services indicates that there would be the potential for future costs to maintain industry standards.

Local Government Impact

There could be a fiscal impact to county and municipal hospitals to implement the minimum staffing requirements of the bill; however, that impact has not been estimated at this time.

Source Agencies: 304 Comptroller of Public Accounts, 507 Texas Board of Nursing, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 769 University of North Texas System Administration

LBB Staff: JOB, CL, PP, VJC