

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 19, 2009**

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

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

**IN RE: SB1193** by Wentworth (Relating to the maintenance and service of certain medical devices in health care facilities; providing a criminal penalty.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Health and Safety Code as it relates to the maintenance and service of certain medical devices in health care facilities and provide criminal penalties.

The bill would prohibit a person from calibrating, repairing, or performing preventive maintenance on, or otherwise servicing, an electronic direct care medical device in a facility unless the person meets certain criteria prescribed by the bill. Violations of the prohibition would be a Class C misdemeanor, effective September 1, 2011.

The prohibitions would not apply to: 1) the calibration, repair, maintenance, or service of a class II or class III medical device that is used only for teaching and research purposes; 2) in-service or software upgrades of a medical device performed by an employee or authorized sales representative of a medical device manufacturer; or 3) routine evaluations specified by the medical device manufacturer performed by the owner or person designated by the owner of the medical device.

According to the Department of State Health Services (DSHS), the provisions of the bill could be accomplished using existing resources. The punishment for a Class C misdemeanor is a fine not to exceed \$500. No significant fiscal impact is anticipated to the state or local governments from enforcement, prosecution, or associated fines and court fees.

The bill would take effect September 1, 2010.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of

**LBB Staff:** JOB, CL, SJ, LR, DB