

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

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

**April 6, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**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 Introduced**

<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, a device designated by the United State Food and Drug Administration as a class II or class III medical device in a facility unless the person holds: 1) an associate of applied science degree as a biomedical equipment technician, 2) a bachelor's degree in engineering, or 3) a certification to maintain or service a class II or class III medical device issued by the United States military.

Violations of the prohibition would be a Class C misdemeanor.

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, 2009.

**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