

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 23, 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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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 States Food and Drug Administration as a class II or class III 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.

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