

BILL ANALYSIS

Senate Research Center
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S.B. 798
By: Nelson
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 798 increases the maximum administrative penalty the Department of State Health Services (DSHS) may assess against hospitals, ambulatory surgical centers, and end stage renal disease facilities to \$25,000 per violation per day, to be more consistent with administrative penalties for other facilities regulated by DSHS and to ensure that the penalties are significant enough to discourage non-compliance.

As proposed, S.B. 798 amends current law relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 241.059(b) and (c), Health and Safety Code, as follows:

(b) Requires the commissioner of health, in determining the amount of the penalty imposed against a hospital, to consider certain factors including the effect of the penalty on the hospital's ability to continue to provide services. Makes nonsubstantive changes.

(c) Provides that the penalty may not \$25,000, rather than \$1,000, for each violation, except that the penalty for a violation of Section 166.004 (Statement Relating to Advance Directive) is required to be \$500. Provides that each day of a continuing violation, other than a violation of Section 166.004, may be considered a separate violation.

SECTION 2. Amends Section 243.015(c), Health and Safety Code, as follows:

(c) Provides that the amount of the penalty imposed against an ambulatory surgical center may not exceed \$25,000, rather than \$1,000, for each violation, and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. Deletes existing text providing that the total amount of the penalty assessed for a violation continuing or occurring on separate days under this subsection may not exceed \$5,000.

SECTION 3. Amends Section 251.066(b), Health and Safety Code, to provide that a penalty assessed against an end stage renal disease facility may not exceed \$25,000, rather than \$1000, for each violation.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2011.