

By: Menendez

H.B. No. 3490

A BILL TO BE ENTITLED

AN ACT

relating to the discharge of certain patients from a hospital;
providing civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 311, Health and Safety Code, is amended by adding Sections 311.025 and 311.026 to read as follows:

Sec. 311.025. DISCHARGE OF HOMELESS PATIENT. (a) In this section:

(1) "Department" means the Department of State Health Services.

(2) "Hospital" means a hospital licensed under Chapter 241.

(b) The department by rule shall develop a discharge protocol to ensure that a homeless individual recovering from an acute illness or injury is provided with continuing medical care and other services, as necessary, after discharge from a hospital that treated the individual for the illness or injury.

(c) A hospital shall use the discharge protocol developed under Subsection (b) for each homeless individual treated at the hospital for an acute illness or injury who requires continuing services after discharge from the hospital.

(d) The department shall partner with local governments, social services agencies, and organizations that provide services

1 to homeless and indigent individuals to develop the discharge
2 protocol under Subsection (b). The discharge protocol must address
3 the following:

- 4 (1) shelter and meals;
- 5 (2) recuperative care;
- 6 (3) transitional housing;
- 7 (4) case management services; and
- 8 (5) other services the department considers necessary
9 to provide for the safety and well-being of homeless individuals
10 recovering from acute illness or injury.

11 Sec. 311.026. WRONGFUL DISCHARGE OF HOMELESS INDIVIDUAL;
12 CIVIL PENALTIES. (a) A hospital or a person who is a hospital
13 employee, officer, or medical staff member may not discharge a
14 homeless individual who was treated at the hospital for acute
15 illness or injury unless the hospital uses the discharge protocol
16 developed under Section 311.025(b).

17 (b) A hospital or a person who is a hospital employee,
18 officer, or medical staff member commits an offense if the hospital
19 or person knowingly violates this section. An offense under this
20 subsection is punishable by:

21 (1) a fine of not less than \$5,000 but not more than
22 \$10,000 for a hospital;

23 (2) a fine of not less than twice the amount of the
24 fine assessed under Subdivision (1) but not more than \$50,000 for a
25 hospital and a suspension of the hospital's license for 3 months for
26 a second offense;

27 (3) a fine of not less than \$100,000 for a hospital and

1 suspension of the hospital's license for 6 months for a third
2 offense;

3 (4) the revocation of the hospital's license for a
4 fourth offense;

5 (5) a fine of not less than \$2,000 for a person for a
6 first offense;

7 (6) a fine of not less than twice the amount of the
8 fine assessed under Subdivision (4) for a person and a 3-month
9 suspension of the person's license, if applicable, for a second
10 offense;

11 (7) a fine of not less than \$50,000 and a suspension of
12 the person's license for 6 months, if applicable, for a third
13 offense; and

14 (8) revocation of the person's license, if applicable,
15 for a fourth offense.

16 SECTION 2. Not later than December 1, 2011, the Department
17 of State Health Services shall adopt rules as required by Section
18 311.025, Health and Safety Code, as added by this Act.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2011.