

By: Nelson

S.B. No. 798

A BILL TO BE ENTITLED

AN ACT

relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

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

SECTION 1. Sections 241.059(b) and (c), Health and Safety Code, are amended to read as follows:

(b) In determining the amount of the penalty, the commissioner of health shall consider:

- (1) the hospital's previous violations;
- (2) the seriousness of the violation;
- (3) any threat to the health, safety, or rights of the hospital's patients;
- (4) the demonstrated good faith of the hospital; ~~and~~
- (5) the effect of the penalty on the hospital's ability to continue to provide services; and
- (6) such other matters as justice may require.

(c) The penalty may not exceed \$25,000 ~~[\$1,000]~~ for each violation, except that the penalty for a violation of Section 166.004 shall be \$500. Each day of a continuing violation, other than a violation of Section 166.004, may be considered a separate violation.

SECTION 2. Section 243.015(c), Health and Safety Code, is amended to read as follows:

(c) The amount of the penalty may not exceed \$25,000

1 [~~\$1,000~~] for each violation, and each day a violation continues or
2 occurs is a separate violation for purposes of imposing a penalty.
3 [~~The total amount of the penalty assessed for a violation~~
4 ~~continuing or occurring on separate days under this subsection may~~
5 ~~not exceed \$5,000.~~]

6 SECTION 3. Section 251.066(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) The penalty may not exceed \$25,000 [~~\$1,000~~] for each
9 violation. Each day of a continuing violation constitutes a
10 separate violation.

11 SECTION 4. The changes in law made by this Act apply only to
12 the assessment or imposition of an administrative penalty under
13 Section 241.059, 243.015, or 251.066, Health and Safety Code, for a
14 violation that occurs on or after the effective date of this Act.
15 The assessment or imposition of an administrative penalty under
16 Section 241.059, 243.015, or 251.066, Health and Safety Code, for a
17 violation that occurs before the effective date of this Act is
18 governed by the law in effect on the date the violation occurred,
19 and that law is continued in effect for that purpose.

20 SECTION 5. This Act takes effect September 1, 2011.