

1-1 By: Nelson S.B. No. 798
1-2 (In the Senate - Filed February 18, 2011; March 1, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 14, 2011, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 14, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the amounts of administrative penalties assessed or
1-9 imposed against certain health facilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (b) and (c), Section 241.059, Health
1-12 and Safety Code, are amended to read as follows:

1-13 (b) In determining the amount of the penalty, the
1-14 commissioner of health shall consider:

1-15 (1) the hospital's previous violations;

1-16 (2) the seriousness of the violation;

1-17 (3) any threat to the health, safety, or rights of the
1-18 hospital's patients;

1-19 (4) the demonstrated good faith of the hospital; ~~and~~

1-20 (5) the effect of the penalty on the hospital's ability
1-21 to continue to provide services; and

1-22 (6) such other matters as justice may require.

1-23 (c) The penalty may not exceed \$25,000 ~~[\$1,000]~~ for each
1-24 violation, except that the penalty for a violation of Section
1-25 166.004 shall be \$500. Each day of a continuing violation, other
1-26 than a violation of Section 166.004, may be considered a separate
1-27 violation.

1-28 SECTION 2. Subsection (c), Section 243.015, Health and
1-29 Safety Code, is amended to read as follows:

1-30 (c) The amount of the penalty may not exceed \$25,000
1-31 ~~[\$1,000]~~ for each violation, and each day a violation continues or
1-32 occurs is a separate violation for purposes of imposing a penalty.
1-33 ~~[The total amount of the penalty assessed for a violation~~
1-34 ~~continuing or occurring on separate days under this subsection may~~
1-35 ~~not exceed \$5,000.]~~

1-36 SECTION 3. Subsection (b), Section 251.066, Health and
1-37 Safety Code, is amended to read as follows:

1-38 (b) The penalty may not exceed \$25,000 ~~[\$1,000]~~ for each
1-39 violation. Each day of a continuing violation constitutes a
1-40 separate violation.

1-41 SECTION 4. The changes in law made by this Act apply only to
1-42 the assessment or imposition of an administrative penalty under
1-43 Section 241.059, 243.015, or 251.066, Health and Safety Code, for a
1-44 violation that occurs on or after the effective date of this Act.
1-45 The assessment or imposition of an administrative penalty under
1-46 Section 241.059, 243.015, or 251.066, Health and Safety Code, for a
1-47 violation that occurs before the effective date of this Act is
1-48 governed by the law in effect on the date the violation occurred,
1-49 and that law is continued in effect for that purpose.

1-50 SECTION 5. This Act takes effect September 1, 2011.

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