

BILL ANALYSIS

C.S.H.B. 3283
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of State Health Services (DSHS) investigates a hospital for noncompliance if a complaint is filed against the hospital. Although current law authorizes the assessment of an administrative penalty against a hospital for certain hospital violations, interested parties assert that there is no express provision, in cases where DSHS finds during an investigation that a licensed health care professional was materially involved in a violation, for DSHS to notify the licensing board responsible for such a professional. C.S.H.B. 3283 seeks to address this issue.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

C.S.H.B. 3283 amends the Health and Safety Code to require the Department of State Health Services, not later than the 30th day after the date the commissioner of health's order relating to a determination that a violation under the Texas Hospital Licensing Law has occurred becomes final, to forward a copy of the order to the appropriate licensing board of a licensed health care professional who the commissioner finds to be materially involved in the violation. The bill requires the licensing board to retain a copy of the order in the health care professional's file and establishes that the copy of the order is confidential to the extent required by law.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3283 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 2. Section 241.059, Health and Safety Code, is amended by adding Subsection (i-1) to read as follows:

(i-1) Not later than the 30th day after the date the commissioner's report or order becomes final, the department shall forward a copy of the report or order to the appropriate licensing board of a health care professional licensed under Title 3, Occupations Code, who is found by the commissioner to be materially involved in the violation. The licensing board shall retain a copy of the report or order in the license holder's file. The report or order is confidential to the extent required by this chapter, Title 3, Occupations Code, or other law.

SECTION 3. The changes in law made by this Act apply only to any inspection or investigation conducted by the Texas Department of State Health Services that occurs on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 241.059, Health and Safety Code, is amended by adding Subsection (i-1) to read as follows:

(i-1) Not later than the 30th day after the date the commissioner of health's order is final, the department shall forward a copy of the order to the appropriate licensing board of a health care professional licensed under Title 3, Occupations Code, who the commissioner finds to be materially involved in the violation. The licensing board shall retain a copy of the order in the health care professional's file. The copy of the order is confidential to the extent required by law.

SECTION 2. The change in law made by this Act applies only to the assessment or imposition of an administrative penalty under Section 241.059, Health and Safety Code, for a violation that occurs on or after the effective date of this Act. The assessment or imposition of an administrative penalty under Section 241.059, Health and Safety Code, for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and that law is continued in effect for that purpose.

SECTION 3. Same as introduced version.