

## **BILL ANALYSIS**

H.B. 3534  
By: Rose  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law provides for the development, establishment, and enforcement of certain standards in the construction, maintenance, and operation of hospitals for the purpose of protecting and promoting public health and welfare. Interested parties note, however, that the law should also direct the state to require a hospital to develop and implement a plan to address deficiencies that may have contributed to a potentially preventable adverse event.

H.B. 3534 seeks to provide for such a plan and increase oversight by the Department of State Health Services of hospitals that commit certain violations.

### **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.

H.B. 3534 amends the Health and Safety Code to require the Department of State Health Services (DSHS), if DSHS finds that a hospital has committed a violation that resulted in a potentially preventable adverse event reportable under statutory provisions relating to the reporting of health care-associated infections, to require the hospital to develop and implement a plan for approval by DSHS to address the deficiencies that may have contributed to the preventable adverse event. The bill authorizes DSHS to require the plan to include staff training and education, supervision requirements for certain staff, increased staffing requirements, increased reporting to DSHS, and a review and amendment of hospital policies relating to patient safety. The bill requires DSHS to carefully and frequently monitor the hospital's adherence to the plan and enforce compliance.

### **EFFECTIVE DATE**

September 1, 2013.