

BILL ANALYSIS

S.B. 1535
By: West
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern that current law does not provide for adequate monitoring and follow-up inspections to ensure that a hospital found to have committed a violation that results in a potentially preventable adverse event is rectifying any identified deficiencies to avoid future adverse events. Interested parties note that ensuring safer environments for patients can save both hospitals and the state money by improving patient care and reducing readmissions and potentially preventable adverse events. S.B. 1535 seeks to strengthen existing oversight and reporting requirements by establishing requirements for a hospital that commits such a violation to develop and implement a comprehensive plan to address the deficiencies that contributed to the event.

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.

S.B. 1535 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.