

1-1 By: Nelson S.B. No. 153  
1-2 (In the Senate - Filed December 21, 2012; January 29, 2013,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; February 18, 2013, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; February 18, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Nelson	X		
1-9	Deuell	X		
1-10	Huffman	X		
1-11	Nichols	X		
1-12	Schwertner	X		
1-13	Taylor	X		
1-14	Uresti	X		
1-15	West	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the amounts of administrative penalties assessed or  
1-20 imposed against certain health facilities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsections (b) and (c), Section 241.059, Health  
1-23 and Safety Code, are amended to read as follows:

1-24 (b) In determining the amount of the penalty, the  
1-25 commissioner of health shall consider:

1-26 (1) the hospital's previous violations;

1-27 (2) the seriousness of the violation;

1-28 (3) any threat to the health, safety, or rights of the  
1-29 hospital's patients;

1-30 (4) the demonstrated good faith of the hospital; ~~and~~

1-31 (5) the effect of the penalty on the hospital's ability  
1-32 to continue to provide services; and

1-33 (6) such other matters as justice may require.

1-34 (c) The penalty may not exceed \$25,000 ~~[\$1,000]~~ for each  
1-35 violation, except that the penalty for a violation of Section  
1-36 166.004 shall be \$500. Each day of a continuing violation, other  
1-37 than a violation of Section 166.004, may be considered a separate  
1-38 violation.

1-39 SECTION 2. Subsection (c), Section 243.015, Health and  
1-40 Safety Code, is amended to read as follows:

1-41 (c) The amount of the penalty may not exceed \$25,000  
1-42 ~~[\$1,000]~~ for each violation, and each day a violation continues or  
1-43 occurs is a separate violation for purposes of imposing a penalty.  
1-44 ~~[The total amount of the penalty assessed for a violation~~  
1-45 ~~continuing or occurring on separate days under this subsection may~~  
1-46 ~~not exceed \$5,000.]~~

1-47 SECTION 3. Subsection (b), Section 251.066, Health and  
1-48 Safety Code, is amended to read as follows:

1-49 (b) The penalty may not exceed \$25,000 ~~[\$1,000]~~ for each  
1-50 violation. Each day of a continuing violation constitutes a  
1-51 separate violation.

1-52 SECTION 4. The changes in law made by this Act apply only to  
1-53 the assessment or imposition of an administrative penalty under  
1-54 Section 241.059, 243.015, or 251.066, Health and Safety Code, for a  
1-55 violation that occurs on or after the effective date of this Act.  
1-56 The assessment or imposition of an administrative penalty under  
1-57 Section 241.059, 243.015, or 251.066, Health and Safety Code, for a  
1-58 violation that occurs before the effective date of this Act is  
1-59 governed by the law in effect on the date the violation occurred,  
1-60 and that law is continued in effect for that purpose.

1-61 SECTION 5. This Act takes effect September 1, 2013.

1-62 \* \* \* \* \*