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[Handwritten signature: Mark Spalán]
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FLOOR AMENDMENT NO. _____

By

On Third Reading

Amend C.S.S.B. No. 204^A by Hinojosa (House Committee

Printing) by striking SECTION 3 of the bill and substituting the following:

SECTION 3. Sections 142.017(j), Health and Safety Code, are amended to read as follows:

(j) The executive commissioner by rule shall define types of minor violations an agency may correct under Subsection (e) before imposing an administrative penalty. The executive commissioner shall ensure that all other violations are not subject to a right to correct if the violation:

- (1) results in serious harm or death;
- (2) constitutes a serious threat to health or safety;
- (3) substantially limits the agency's capacity to provide care;
- (4) is a violation in which a person:

(A) makes a false statement, that the person knows or should know is false, of a material fact:

(i) on an application for issuance or renewal of a license or in an attachment to the application; or

(ii) with respect to a matter under investigation by the department;

(B) refuses to allow a representative of the department to inspect a book, record, or file required to be maintained by an agency;

(C) willfully interferes with the work of a representative of the department or the enforcement of this chapter;

(D) willfully interferes with a representative of the department preserving evidence of a violation of this chapter or a rule, standard, or order adopted or license issued under this chapter;

(E) fails to pay a penalty assessed by the department under this chapter not later than the 10th day after the date the assessment of the penalty becomes final; or

(F) fails to submit:

(i) a plan of correction not later than the 10th day after the date the person receives a statement of licensing violations; or

(ii) an acceptable plan of correction not later than the 30th day after the date the person receives notification from the department that the previously submitted plan of correction is not acceptable;

(5) is a violation of Section 142.0145; or

(6) involves the rights of the elderly under Chapter 102, Human Resources Code.