

## **BILL ANALYSIS**

Senate Research Center

S.B. 373  
By: West  
Health & Human Services  
6/8/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of S.B. 373 is to minimize potentially preventable adverse events at hospitals in Texas. It seeks to do so by requiring the Department of State Health Services (DSHS) to require hospitals that commit violations that result in such events to develop and implement a comprehensive plan to address the internal deficiencies that contributed to the event. This plan can include changes to staff training and education, supervision requirements for certain staff, increased staffing requirements, increased reporting, and reviewing and amending policies relating to patient safety. DSHS will then be required to approve the hospital's plan, frequently monitor adherence, and enforce compliance.

Currently, DSHS completes a complaint investigation after a potentially preventable adverse event is reported. After completing the investigation and substantiating the complaint, a Statement of Deficiency is issued. The hospital is then required to submit to DSHS a Plan of Correction that identifies deficiencies it has rectified and will rectify to avoid further adverse events. DSHS later decides if it will conduct a follow-up visit to review plan implementation. As a result, not all hospitals in the state receive a follow-up visit.

S.B. 373 provides a more standardized guidance for the content of the Plan of Correction. The bill requires that DSHS approve that plan, conduct follow-up visits to monitor adherence and enforce compliance for all hospitals that were found to commit a violation that contributed to a potentially preventable adverse event. In this way, DSHS ensures that hospitals rectify their deficiencies and create safer environments for their patients. S.B. 373 strengthens existing oversight and reporting requirements, while providing Texas hospitals the leeway to create remediation plans tailored to their specific issues and patient populations. This bill can save hospitals and the state money by improving patient care, which reduces readmissions and potentially preventable adverse events.

S.B. 373 amends current law relating to increased oversight by the Department of State Health Services of hospitals that commit certain violations.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that this Act may be cited as the Margaret Joy Thomas Act.

SECTION 2. Amends Subchapter C, Chapter 241, Health and Safety Code, by adding Section 241.0555, as follows:

Sec. 241.0555. ADDITIONAL REQUIREMENTS: POTENTIALLY PREVENTABLE ADVERSE EVENTS. (a) Requires the Texas Department of Health (TDH) to require the

hospital to develop and implement a plan for approval by TDH to address the deficiencies that may have contributed to the preventable adverse event if TDH finds that a hospital has committed a violation that resulted in a potentially preventable adverse event reportable under Chapter 98 (Reporting of Health Care-Associated Infections and Preventable Adverse Events).

(b) Authorizes TDH to require that the plan under this section include:

- (1) staff training and education;
- (2) supervision requirements for certain staff;
- (3) increased staffing requirements;
- (4) increased reporting to TDH; and
- (5) a review and amendment of hospital policies relating to patient safety.

(c) Requires TDH to carefully and frequently monitor the hospital's adherence to the plan under this section and enforce compliance.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.