

By: Rose

H.B. No. 3968

A BILL TO BE ENTITLED

AN ACT

relating to penalties assessed against certain long-term care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 242.0665(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply:

(1) to a violation that the department determines:

(A) results in serious harm to or death of a resident;

(B) constitutes a serious threat to the health or safety of a resident; or

(C) substantially limits the institution's capacity to provide care;

(2) to a violation described by Sections 242.066(a)(2)-(7);

(3) to a violation of Section 260A.014 or 260A.015; ~~or~~

(4) to a violation of a right of a resident adopted under Subchapter L; or

(5) to a violation the department determines involves the administration to a resident of one or more unnecessary psychoactive medications, as defined by Section 242.505.

SECTION 2. Section 242.070, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 242.070. APPLICATION OF OTHER LAW. The department may
3 not assess more than one monetary penalty under this chapter and
4 Chapter 32, Human Resources Code, for a violation arising out of the
5 same act or failure to act, except as provided by Section
6 242.0665(c) or for a violation described by Section 242.0665(b)(4)
7 or (5). The department may assess the greater of a monetary penalty
8 under this chapter or a monetary penalty under Chapter 32, Human
9 Resources Code, for the same act or failure to act.

10 SECTION 3. Sections 242.0665(b) and 242.070, Health and
11 Safety Code, as amended by this Act, apply only to conduct that
12 occurs on or after the effective date of this Act. Conduct that
13 occurs before the effective date of this Act is governed by the law
14 in effect on the date the conduct occurred, and the former law is
15 continued in effect for that purpose.

16 SECTION 4. This Act takes effect September 1, 2017.