

BILL ANALYSIS

H.B. 3994
By: Bohac
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that previously enacted legislation required the review of the state law pertaining to the availability of parking spaces at certain health facilities for persons with a disability. H.B. 3994 seeks to implement a recommendation from such a review that advises the legislature to redefine the van-accessible requirements in the Texas Accessibility Standards for health facilities to have a sufficient number of van-accessible parking spaces at those facilities that provide rehabilitation or physical therapy services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 2 and 3 of this bill.

ANALYSIS

H.B. 3994 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) by rule to require each health facility that provides rehabilitation or physical therapy services, including a hospital that provides outpatient services, to have a sufficient number of van-accessible parking spaces. The bill authorizes a health facility to provide van-accessible parking spaces that are angled or that share access aisles with other parking spaces.

H.B. 3994 authorizes HHSC to impose an administrative penalty against a health facility that violates the bill's provisions or a rule adopted under the bill's provisions in the same manner HHSC imposes an administrative penalty against the facility for a violation of statutory provisions relating to health facilities or rules adopted under those provisions. The bill caps the penalty imposed under the bill's provisions at \$1,000 and establishes that each day of a continuing violation is a separate violation. The bill sets out certain required considerations for HHSC in determining the amount of the penalty.

H.B. 3994 authorizes the enforcement of the penalty to be stayed during the time the order is under judicial review if the health facility pays the penalty to the court or files a supersedeas bond with the court in the amount of the penalty. The bill authorizes a person who cannot afford to pay the penalty or file the bond to stay the enforcement by filing an affidavit in the manner required by the Texas Rules of Civil Procedure for a party who cannot afford to file security for costs, subject to the right of HHSC to contest the affidavit as provided by those rules. The bill authorizes the attorney general to sue to collect the penalty and recover the reasonable expenses and costs incurred in collecting the penalty. The bill requires the executive commissioner of

HHSC to adopt rules necessary to implement the changes in law made by the bill's provisions.

EFFECTIVE DATE

September 1, 2019.