86R13945 SRA-F

By:  Davis of Dallas H.B. No. 4057

A BILL TO BE ENTITLED

AN ACT

relating to the amount of an administrative penalty that may be assessed against an assisted living facility.

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

SECTION 1.  Section 247.0451(b), Health and Safety Code, is amended to read as follows:

(b)  Except as provided by Section 247.0452(c), the penalty may not exceed:

(1)  $5,000 for each violation committed by or in relation to an assisted living facility with at least 17 beds that:

(A)  represents a pattern of violation that results in actual harm or is widespread in scope and results in actual harm; or

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

(2)  $1,000 for each violation committed by or in relation to an assisted living facility with fewer than 17 beds that:

(A)  represents a pattern of violation that results in actual harm or is widespread in scope and results in actual harm; or

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

(3) [~~(2)~~]  $1,000 for each other violation.

SECTION 2.  The change in law made by this Act applies only to an administrative penalty for which notice of violation under Section 247.0453(c), Health and Safety Code, is given on or after the effective date of this Act. An administrative penalty for which notice of violation under Section 247.0453(c), Health and Safety Code, is given before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for this purpose.

SECTION 3.  This Act takes effect September 1, 2019.