

By: Davis of Harris

H.B. No. 2285

A BILL TO BE ENTITLED

1 AN ACT
2 relating to administrative penalties assessed against certain
3 nursing facilities for the improper discharge or transfer of a
4 resident.

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

6 SECTION 1. Subchapter C, Chapter 242, Health and Safety
7 Code, is amended by adding Section 242.0661 to read as follows:

8 Sec. 242.0661. ADMINISTRATIVE PENALTY FOR IMPROPER
9 DISCHARGE OR TRANSFER OF RESIDENT. (a) The commission shall assess
10 an administrative penalty under this section against a
11 Medicaid-certified nursing facility that discharges or transfers a
12 resident from the facility in violation of:

13 (1) a rule related to the improper discharge or
14 transfer of a resident from a facility or to the return of a
15 resident to a facility following hospitalization; or

16 (2) a hearing officer's fair hearing decision.

17 (b) A penalty described by Subsection (a) must be assessed
18 in the following graduated amounts:

19 (1) \$2,000 for each day of a continuing violation
20 during the first seven consecutive days;

21 (2) \$4,000 for each day of a continuing violation
22 during the second seven consecutive days; and

23 (3) \$6,000 for each day of a continuing violation
24 after the first 14 consecutive days.

1 (c) For purposes of assessing a violation under this
2 section, the first day of a violation is the date the violation is
3 cited at an exit conference following a survey, inspection, or
4 investigation.

5 (d) Section 242.0665 does not apply to a penalty assessed
6 under Subsection (b)(2) or (3).

7 (e) The commission shall order a nursing facility that is
8 assessed a penalty under Subsection (b)(3) to immediately suspend
9 admissions until the facility corrects the violation or complies
10 with a hearing officer's fair hearing decision regarding the
11 discharged or transferred resident.

12 SECTION 2. Section 242.0661, Health and Safety Code, as
13 added by this Act, applies only to actions taken by the Health and
14 Human Services Commission and license holders under Chapter 242,
15 Health and Safety Code, on or after the effective date of this Act.

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