

By: Davis of Dallas

H.B. No. 4057

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

9 (1) \$5,000 for each violation committed by or in  
10 relation to an assisted living facility with at least 17 beds that:

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

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

16 (2) \$1,000 for each violation committed by or in  
17 relation to an assisted living facility with fewer than 17 beds  
18 that:

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

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

24 (3) [~~2~~] \$1,000 for each other violation.

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

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