

By: Lucio

S.B. No. 1568

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from licensing requirements to operate an end stage renal disease facility.

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

SECTION 1. Section 251.012, Health and Safety Code, is amended to read as follows:

Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The following facilities are not required to be licensed under this chapter:

(1) a home and community support services agency that is licensed under Chapter 142 with a home dialysis designation and that:

(A) has not more than five patients at any time as a total number of patients to whom the agency provides dialysis services; or

(B) is certified by the Centers for Medicare and Medicaid Services as an end stage renal disease facility under Medicare;

(2) a hospital licensed under Chapter 241 that provides dialysis only to individuals receiving:

(A) inpatient services from the hospital; or

(B) outpatient services due to a disaster declared by the governor or a federal disaster declared by the president of the United States occurring in this state or another

1 state during the term of the disaster declaration;

2 (3) a hospital operated by or on behalf of the state as
3 part of the managed health care provider network established under
4 Chapter 501, Government Code, that provides dialysis only to
5 individuals receiving:

6 (A) inpatient services from the hospital; or

7 (B) outpatient services while serving a term of
8 confinement in a facility operated by or under contract with the
9 Texas Department of Criminal Justice;

10 (4) an end stage renal disease facility operated by or
11 on behalf of the state as part of the managed health care provider
12 network established under Chapter 501, Government Code, that
13 provides dialysis only to individuals receiving those services
14 while serving a term of confinement in a facility operated by or
15 under contract with the Texas Department of Criminal Justice; or

16 (5) the office of a physician, other than an ~~unless~~
17 ~~the~~ office ~~is~~ used primarily as an end stage renal disease
18 facility, that:

19 (A) has not more than five patients at any time as
20 a total number of patients to whom the office provides dialysis
21 services; or

22 (B) is certified by the Centers for Medicare and
23 Medicaid Services as an end stage renal disease facility under
24 Medicare.

25 SECTION 2. This Act takes effect September 1, 2021.