

BILL ANALYSIS

S.B. 2474
By: Hinojosa
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 87th Regular Session, the legislature passed S.B. 2013, which required the Health and Human Services Commission (HHSC) to conduct a study to evaluate the effect of the repeal of certain provisions of the Texas Administrative Code, the effect of the rule changes related to the regulatory oversight of substance use disorder providers, and the economic impact of the new enforcement structure and whether there are inequities in treating substance use disorder providers the same as chemical dependency treatment facilities. HHSC conducted an email survey of providers and produced a summary of the responses received to that survey. As a result of the study, S.B. 2474 seeks to modify civil and administrative penalties for chemical dependency treatment facilities by providing for the consideration of the person or facility's ability to pay the penalty and to continue providing services after paying the penalty in imposing such penalties. The bill additionally requires the current administrative penalty schedules HHSC posts on its website to be based in part on consideration of the economic impact of the penalty assessed against the licensed or regulated person.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2474 amends the Health and Safety Code to include the following among the factors a court must consider in determining the amount of a civil penalty for a violation of provisions relating to the regulation of chemical dependency treatment facilities or a rule adopted under those provisions and among the factors on which the amount of an administrative penalty is based that is imposed against a person licensed or regulated under provisions relating to facilities treating persons with a chemical dependency who violates those provisions or a rule adopted under those provisions:

- the person's or facility's ability to pay the penalty; and
- the ability of the person or facility to continue providing chemical dependency services after paying the penalty if the person's or facility's license is not revoked because of the violation.

The bill additionally includes the degree of the person's culpability in causing the violation among the factors on which an administrative penalty assessed by the Department of State Health Services is based.

S.B. 2474 requires the administrative penalty schedules applicable to a person licensed or regulated under provisions relating to facilities treating persons with a chemical dependency that are posted on the Health and Human Services Commission website to be based on a consideration of the economic impact of a penalty assessed against such a person and the factors on which the amount of the penalty must be based on.

S.B. 2474 applies only to a violation that occurs on or after the bill's effective date. A violation that occurred before the bill's effective date is governed by the law in effect when the violation occurred, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2023.