88R229 SRA-D

By:  Kolkhorst S.B. No. 401

A BILL TO BE ENTITLED

AN ACT

relating to prices charged by a medical staffing services agency during a declared state of disaster; providing a civil penalty.

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

SECTION 1.  Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PRICE GOUGING OF MEDICAL STAFFING SERVICES DURING DECLARED STATE OF DISASTER

Sec. 81B.001.  DEFINITION. In this chapter, "designated disaster period" means the period:

(1)  beginning on the earlier of:

(A)  the date:

(i)  the governor issues a proclamation or executive order declaring a state of disaster for any area of this state; or

(ii)  the president of the United States declares a state of disaster that includes an area of this state as part of the federally declared disaster area; or

(B)  the date a disaster described by Paragraph (A) occurs; and

(2)  ending on the 30th day after the date the disaster declaration expires or is terminated.

Sec. 81B.002.  APPLICABILITY. This chapter applies only to a medical staffing services agency that provides the following health care professionals to fill vacancies or address temporary staffing needs during a designated disaster period:

(1)  physician assistants licensed under Chapter 204, Occupations Code;

(2)  surgical assistants licensed under Chapter 206, Occupations Code; or

(3)  nurses licensed under Chapter 301, Occupations Code.

Sec. 81B.003.  PROHIBITED PRICE GOUGING DURING DECLARED STATE OF DISASTER. During a designated disaster period, a medical staffing services agency to which this chapter applies may not charge an exorbitant or excessive price to provide medical staffing services to a health care organization or other entity in this state in an area subject to a declared state of disaster.

Sec. 81B.004.  CIVIL PENALTY. (a) A medical staffing services agency that violates this chapter is subject to a civil penalty in an amount not to exceed $1,000 for each violation.

(b)  The attorney general may bring an action in the name of the state to recover a civil penalty under this section.

(c)  The attorney general may recover reasonable expenses incurred in obtaining a civil penalty under this section, including court costs, reasonable attorney's fees, expert witness fees, deposition expenses, and investigatory costs.

SECTION 2.  The changes in law made by this Act apply only to an act that occurs on or after the effective date of this Act.  An act that occurs before the effective date of this Act is governed by the law in effect on the date the act occurred, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.