

By: Hall

S.B. No. 1197

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to hospital reporting requirements regarding suspected  
3 child abuse, exploitation, or neglect; authorizing an  
4 administrative penalty.

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

6 SECTION 1. Chapter 241, Health and Safety Code, is amended  
7 by adding Subchapter M to read as follows:

8 SUBCHAPTER M. CHILD ABUSE, EXPLOITATION, OR NEGLECT REPORTING

9 REQUIREMENTS

10 Sec. 241.401. SUSPECTED CHILD ABUSE, EXPLOITATION, OR  
11 NEGLECT REPORTS. (a) In this section, "abuse," "exploitation,"  
12 and "neglect" have the meanings assigned by Section 261.001, Family  
13 Code.

14 (b) Not later than the fifth day of each month, a hospital  
15 shall submit a report to the commission containing the following  
16 information:

17 (1) the number of reports made during the preceding  
18 month by the hospital or an agent or employee of the hospital to the  
19 Department of Family and Protective Services under Chapter 261,  
20 Family Code, regarding alleged or suspected abuse, exploitation, or  
21 neglect of a child;

22 (2) whether the hospital informed the parent, legal  
23 guardian, managing conservator, or possessory conservator of a  
24 child that is the subject of a report described by Subdivision (1)

1 that the parent, legal guardian, managing conservator, or  
2 possessory conservator may obtain an alternative opinion regarding  
3 the alleged or suspected abuse, exploitation, or neglect of the  
4 child; and

5 (3) any code the hospital used for purposes of  
6 diagnosing or treating a child that is the subject of a report  
7 described by Subdivision (1), including, as applicable, the Current  
8 Procedural Terminology (CPT) code, the Diagnosis Related Group  
9 (DRG) code, the International Classification of Diseases (ICD)  
10 code, or another common identifier.

11 (c) A hospital shall submit the report required under  
12 Subsection (b) in the form and manner prescribed by commission  
13 rule.

14 Sec. 241.402. ADMINISTRATIVE PENALTY. (a) The commission  
15 may impose an administrative penalty on a hospital that violates  
16 Section 241.401.

17 (b) Before imposing an administrative penalty on a hospital  
18 under Subsection (a), the commission must provide written notice to  
19 the hospital that:

20 (1) the hospital is in violation of Section 241.401  
21 because the hospital has failed to timely submit a report required  
22 under that section;

23 (2) the hospital has 15 days to submit the required  
24 report; and

25 (3) if the hospital does not submit the required  
26 report within 15 days of receiving notice of the violation, the  
27 hospital will be subject to an administrative penalty for each day

1 the violation continues.

2 (c) The commission shall set an administrative penalty  
3 imposed under this section in an amount sufficient to ensure  
4 compliance by hospitals with Section 241.401, subject to the  
5 limitations prescribed by Subsection (d).

6 (d) For a hospital with one of the following total gross  
7 revenues as reported to the Centers for Medicare and Medicaid  
8 Services or to another entity designated by commission rule in the  
9 year preceding the year in which an administrative penalty is  
10 imposed under this section, the penalty imposed by the commission  
11 may not exceed:

12 (1) \$10 for each day the hospital violates Section  
13 241.401, beginning on the 16th day after the date the hospital  
14 received notice from the commission, if the hospital's total gross  
15 revenue is less than \$10,000,000;

16 (2) \$100 for each day the hospital violates Section  
17 241.401, beginning on the 16th day after the date the hospital  
18 received notice from the commission, if the hospital's total gross  
19 revenue is \$10,000,000 or more and less than \$100,000,000; and

20 (3) \$1,000 for each day the hospital violates Section  
21 241.401, beginning on the 16th day after the date the hospital  
22 received notice from the commission, if the hospital's total gross  
23 revenue is \$100,000,000 or more.

24 (e) Each day a violation continues is considered a separate  
25 violation.

26 (f) Notwithstanding any other provision of this section, an  
27 administrative penalty ceases to be incurred on the date a

1 violation is corrected.

2 (g) In determining the amount of an administrative penalty  
3 to impose on a hospital under this section, the commission shall  
4 consider:

5 (1) previous violations by the hospital;

6 (2) the seriousness of the violation;

7 (3) the demonstrated good faith of the hospital; and

8 (4) any other matters as justice may require.

9 (h) An administrative penalty collected under this section  
10 shall be deposited to the credit of an account in the general  
11 revenue fund administered by the commission. Money in the account  
12 may be appropriated only to the commission.

13 Sec. 241.403. SUMMARY REPORT. The commission shall submit  
14 a written quarterly report to the legislature summarizing the  
15 reports submitted to the commission under Section 241.401 during  
16 the preceding quarter.

17 Sec. 241.404. RULES. The executive commissioner shall  
18 adopt rules necessary to implement this subchapter.

19 SECTION 2. This Act takes effect September 1, 2023.