

BILL ANALYSIS

C.S.S.B. 437
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that rehabilitation centers are struggling to keep up with demand for both treatment and counseling amid a surge of cases of addiction driven by a rise in the prevalence of fentanyl and that, at a time when these treatment centers are needed the most, many of them are financially struggling, with some on the verge of closing due to the burden of administrative penalties. The bill sponsor has further informed the committee that penalties for violations are determined based on factors such as prior offenses, severity, and potential health and safety risks but that the financial viability of treatment facilities is not considered when imposing fines, despite past legislative attempts to evaluate and revise these factors, including the penalty schedule applicable to violations. C.S.S.B. 437 seeks to enact such changes in current law relating to civil and administrative penalties assessed for violations of statutes or rules governing chemical dependency treatment facilities.

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

C.S.S.B. 437 amends the Health and Safety Code to authorize the required annual inservice training designed to assist employees and health care professionals associated with inpatient mental health facilities, treatment facilities, or hospitals in identifying patient abuse or neglect and illegal, unprofessional, or unethical conduct by or in the facility to be provided in person or through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employees.

C.S.S.B. 437 includes among the considerations a court must make when determining the amount of a civil penalty to which a person or facility is subject for each day of a violation and for each act of a violation of provisions relating to the regulation of chemical dependency treatment facilities or a rule adopted under such provisions, the following:

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

C.S.S.B. 437 includes the following among the factors on which the amount of the penalty is required to be based:

- the person's ability to pay the penalty;

- if the person's license is not revoked because of the violation, the person's ability to continue providing services after paying the penalty; and
- the degree of the person's culpability in causing the violation.

C.S.S.B. 437 requires the administrative penalty schedules applicable to a person licensed or regulated under provisions relating to facilities treating persons with a chemical dependency to consider the economic impact of an assessed penalty on such a person and any applicable factors used to determine the amount of a penalty. The bill's provisions relating to facilities treating persons with a chemical dependency apply only to a violation that occurs on or after the bill's effective date. A violation that occurred before that 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, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 437 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision absent from the engrossed authorizing the required annual inservice training designed to assist employees and health care professionals associated with inpatient mental health facilities, treatment facilities, or hospitals in identifying patient abuse or neglect and illegal, unprofessional, or unethical conduct by or in the facility to be provided in person or through a live, interactive, instructor-led, and electronic method that uses synchronous audiovisual interaction between the instructor and employees.