

By: Perry

S.B. No. 2269

A BILL TO BE ENTITLED

AN ACT

relating to dispute resolution for and enforcement actions against certain long-term care facilities.

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

SECTION 1. Section 526.0202, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A decision under the informal dispute resolution process by the contracting person adjudicating a dispute between the commission and a facility described by Subsection (b) is binding on the commission and cannot be overturned by the commission.

SECTION 2. Section 242.002, Health and Safety Code, is amended by adding Subdivision (13) to read as follows:

(13) "Retaliate" means an adverse action by the commission in response to a good faith action by a nursing facility responding to a commission decision negatively affecting the nursing facility.

SECTION 3. Section 242.070, Health and Safety Code, is amended to read as follows:

Sec. 242.070. APPLICATION OF OTHER LAW. (a) The commission ~~[department]~~ may not assess more than one monetary penalty under this chapter and Chapter 32, Human Resources Code, for a violation arising out of the same act or failure to act, except as provided by Section 242.0665(c). The commission ~~[department]~~ may assess the

greater of a monetary penalty under this chapter or a monetary penalty under Chapter 32, Human Resources Code, for the same act or failure to act.

(b) The commission may not impose an administrative penalty under this chapter and Chapter 32, Human Resources Code, against a nursing facility for a violation arising out of the same act or failure to act that is the subject of:

(1) a penalty imposed by the Centers for Medicare and Medicaid Services under 42 C.F.R. Section 488.408 against the facility; or

(2) a penalty the facility appeals under 42 C.F.R. Part 498 before the facility exhausts all rights of appeal if:

(A) the federal requirement is the same or substantially similar to a requirement in this chapter or Chapter 32, Human Resources Code; and

(B) Subdivision (1) does not apply.

SECTION 4. Subchapter C, Chapter 242, Health and Safety Code, is amended by adding Section 242.075 to read as follows:

Sec. 242.075. PROHIBITED RETALIATION. The commission may not retaliate against a nursing facility in response to the facility in good faith appealing a commission decision or filing another action to counter a commission action against the facility.

SECTION 5. The changes in law made by this Act apply only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that

1 purpose.

2 SECTION 6. This Act takes effect September 1, 2025.