

By: Perry

S.B. No. 2356

A BILL TO BE ENTITLED

1 AN ACT

2 relating to hospital staffing report processes and to retaliation
3 and mandatory overtime protections for nurses; providing
4 administrative penalties.

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

6 SECTION 1. Section 257.001, Health and Safety Code, is
7 amended by amending Subdivision (1) and adding Subdivision (1-a) to
8 read as follows:

11 (1-a) "Committee" means a nurse staffing committee
12 required by this chapter.

13 SECTION 2. Section 257.005, Health and Safety Code, is
14 amended by amending Subsection (c) and adding Subsection (d) to
15 read as follows:

16 (c) The [To the extent possible, the] department shall
17 develop a mandatory reporting process to collect the data required
18 under Subsection (a) [as part of a survey required by the department
19 under other law].

20 (d) The department shall provide the data reported under
21 Subsection (a) to the commission for enforcement purposes.

22 SECTION 3. Chapter 257, Health and Safety Code, is amended
23 by adding Section 257.006 to read as follows:

24 Sec. 257.006. PROHIBITED RETALIATION. (a) A hospital may

1 not retaliate against a nurse who provides information to the
2 committee or reports violations of this chapter to hospital
3 management or the commission.

4 (b) A violation of this section constitutes a violation of
5 Section 161.134, and a nurse may seek any appropriate remedy
6 provided by that section.

7 SECTION 4. Subtitle B, Title 4, Health and Safety Code, is
8 amended by adding Chapter 258A to read as follows:

9 CHAPTER 258A. ENFORCEMENT OF HOSPITAL NURSE STAFFING AND OVERTIME

10 REQUIREMENTS

11 Sec. 258A.001. DEFINITIONS. In this chapter:

12 (1) "Commission" means the Health and Human Services
13 Commission.

14 (2) "Executive commissioner" means the executive
15 commissioner of the commission.

16 Sec. 258A.002. REPORT OF VIOLATION. The commission shall:

17 (1) develop and maintain a web page accessible on the
18 commission's Internet website through which a nurse may report a
19 violation of Chapter 257 or 258;

20 (2) investigate each report of an alleged violation;

21 (3) develop procedures to notify a hospital of an
22 alleged violation and provide due process during an investigation;
23 and

24 (4) issue a corrective action plan and any appropriate
25 penalties under Section 258A.003.

26 Sec. 258A.003. ADMINISTRATIVE PENALTY. (a) The commission
27 in accordance with the authority granted under other law may impose

1 an administrative penalty on a hospital that:

2 (1) knowingly submits false information to the
3 Department of State Health Services under Section 257.005(a); or
4 (2) violates Chapter 257 or 258 or rules adopted under
5 those chapters.

6 (b) The executive commissioner by rule shall develop an
7 administrative penalty schedule for penalties imposed under this
8 section based on the impact of the violation on patient care, nurse
9 satisfaction, and the public interest.

10 (c) The attorney general may sue to collect the penalty.

11 SECTION 5. Not later than December 31, 2025, the executive
12 commissioner of the Health and Human Services Commission shall
13 adopt any rules necessary to implement the changes in law made by
14 this Act.

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