

By: Perry

S.B. No. 2356

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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.