

BILL ANALYSIS

Senate Research Center

S.B. 908
By: Zaffirini
Health & Human Services
3-31-97
Committee Report (Amended)

DIGEST

Currently, the Texas Department of Health (TDH) is responsible for licensing all hospitals. In addition to state licensing requirements, many hospitals seek Medicare certification or accreditation from national accreditation organizations, all of which require on-site surveys or inspections. Hospitals that are nationally accredited or certified are supposed to be inspected at least once every three years. Medicare funding cutbacks, however, have created an inspection cycle with no established frequency, and TDH is not authorized to conduct an on-site inspection of a hospital that has a Medicare certification or national accreditation. Patients and other stakeholders have no assurance, therefore, that hospitals will be inspected with a regularity that ensures safety and quality in these facilities. This legislation would authorize TDH to inspect all hospitals at least once every three years unless the hospitals have received on-site inspections for Medicare certification or accreditation by certain national accreditation organizations during that time period. S.B. 908 also amends the Health and Safety Code to remove language referring to licensing of hospitals by the Texas Department of Mental Health and Mental Retardation (MHMR) because licensing responsibility was removed from MHMR by the legislature in 1993.

PURPOSE

As proposed, S.B. 908 establishes licensing and inspection of certain hospitals.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 222.024, Health and Safety Code, to establish that except as provided by Subsection (c), a hospital licensed by the Texas Department of Health (TDH) is not subject to additional annual licensing inspections before TDH issues the hospital a license while the hospital maintains certain standards of certification and accreditation. Deletes the provision establishing that a hospital licensed by TDH or the Texas Department of Mental Health and Mental Retardation (MHMR) is not subject to licensing inspections before the agency issues the hospital a license under Chapter 241 or by the licensing agency. Deletes the provision regarding issuance of a renewal license by MHMR. Authorizes TDH to conduct an inspection of a hospital exempt from an annual licensing inspection under Subsection (a) before issuing a renewal license to the hospital if the certification or accreditation body has not conducted an on-site inspection of the hospital in the preceding three years and TDH determines that an inspection of the hospital by the certification or accreditation body is not scheduled within 60 days. Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Amends SECTION 1 (Section 222.024(c), Health and Safety Code) to authorize TDH to

conduct an inspection of a hospital exempt from an annual licensing inspection before issuing a renewal license if TDH determines that an inspection of the hospital by the certification or accreditation body is not scheduled within 60 days, among other considerations.