

## **BILL ANALYSIS**

Senate Research Center  
83R1366 AED-D

S.B. 153  
By: Nelson  
Health & Human Services  
2/11/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 153 increases the maximum administrative penalty the Department of State Health Services (DSHS) may assess against hospitals, ambulatory surgical centers, and end stage renal disease facilities to \$25,000 per violation, per day to be more consistent with administrative penalties for other facilities regulated by DSHS and to ensure that the penalties are significant enough to discourage non-compliance.

As proposed, S.B. 153 amends current law relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 241.059(b) and (c), Health and Safety Code, as follows:

(b) Includes the effect of the penalty on the hospital's ability to continue to provide services among the criteria that the commissioner of health is required to consider in determining the amount of an administrative penalty against a hospital that violates Section 166.004 (Statement Relating to Advance Directive). Makes a nonsubstantive change.

(c) Prohibits the penalty from exceeding \$25,000, rather than \$1,000, for each violation.

SECTION 2. Amends Section 243.015(c), Health and Safety Code, as follows:

(c) Prohibits the amount of the penalty from exceeding \$25,000, rather than from exceeding \$1,000, for each violation, and provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. Deletes existing text prohibiting the total amount of the penalty assessed for a violation continuing or occurring on separate days under this subsection from exceeding \$5,000.

SECTION 3. Amends Section 251.066(b), Health and Safety Code, to prohibit an administrative penalty from exceeding \$25,000, rather than \$1,000, for each violation.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2013.