

BILL ANALYSIS

C.S.H.B. 2240
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that hospital inspection records currently are not made publically available by the state, even though the inspections often are completed on behalf of the federal Centers for Medicare & Medicaid Services and the investigation records are considered open records under federal law. C.S.H.B. 2240 seeks to ensure that patients and other members of the public have access to state hospital inspection, survey, or investigation records.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2240 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to make available to the public on the DSHS website the final statement of deficiencies completed by DSHS and any related plan of correction submitted by a hospital that relate to an inspection, survey, or investigation of a hospital conducted by DSHS under the Texas Hospital Licensing Law. The bill prohibits DSHS from disclosing individually identifiable information concerning a patient or health care professional in the information that is made available to the public. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2240 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 241.051, Health and Safety Code, is amended by adding

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 241.051, Health and Safety Code, is amended by adding

84R 27126

15.120.1099

Substitute Document Number: 84R 26407

Subsection (a-1) to read as follows:

(a-1) The department shall make the findings of an inspection, a survey, or an investigation conducted under Subsection (a) available to the public on the department's Internet website.

The department may not disclose individually identifiable information concerning a patient or health care professional in the information made available to the public under this subsection.

SECTION 2. Sections 241.051(d) and (e), Health and Safety Code, are repealed.

SECTION 3. The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 241.051(a-1), Health and Safety Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2015.

Subsection (f) to read as follows:

(f) Notwithstanding Subsections (d) and (e), the department shall make available to the public on the department's Internet website the final statement of deficiencies completed by the department and any related plan of correction submitted by a hospital that relate to an inspection, survey, or investigation conducted under Subsection (a). The department may not disclose individually identifiable information concerning a patient or health care professional in the information made available to the public under this subsection.

No equivalent provision.

SECTION 2. Substantially the same as introduced version.

SECTION 3. Same as introduced version.