

- SUBJECT:** Changing freestanding emergency medical care facility penalties
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 7 ayes — Price, Arévalo, Burkett, Guerra, Klick, Oliverson, Zedler
0 nays
4 absent — Sheffield, Coleman, Collier, Cortez
- SENATE VOTE:** On final passage, April 19 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — (*Registered, but did not testify:* Blake Hutson, AARP Texas; Patricia Kolodzey, BlueCross BlueShield of Texas; Gyl Switzer, Mental Health America of Texas; Amanda Martin, Texas Association of Business; Jason Baxter, Texas Association of Health Plans)
Against — None
- BACKGROUND:** Health and Safety Code, ch. 254 regulates freestanding emergency medical care facilities. Sec. 254.205 authorizes the Department of State Health Services to impose an administrative penalty on a person licensed under the chapter who violates the chapter's provisions. The penalty cannot exceed \$1,000 for each violation, and each day a violation continues or occurs is considered a separate violation for the purposes of imposing a penalty. The total amount assessed for a violation continuing or occurring on separate days cannot exceed \$5,000.
Concerns have been raised that freestanding emergency medical care facilities are not assessed the same administrative penalties for certain statutory violations as emergency medical care facilities associated with licensed hospitals.
- DIGEST:** SB 1592 would remove the \$1,000 administrative penalty cap for a single statutory violation imposed by the Department of State Health Services on a person licensed to establish or operate a freestanding emergency medical

care facility. The bill would raise the total amount of a penalty allowed to be assessed for one such violation continuing or occurring on separate days from \$5,000 to \$25,000.

The bill would take effect September 1, 2017.