

BILL ANALYSIS

Senate Research Center
85R7283 JG-D

S.B. 1592
By: Schwertner
Health & Human Services
3/22/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, penalties assessed on freestanding emergency centers may not exceed \$1,000 for each violation, and each day the violation continues is a separate violation. The total amount of the penalty assessed for a violation continuing on separate days cannot exceed \$5,000.

S.B. 1592 would establish a new fee cap of \$25,000 for freestanding emergency centers. This would align the fee cap with what would be established for hospital based emergency departments if S.B. 267 (Schwertner, 85R) passes. S.B. 267 passed the Senate with unanimous support on March 22, 2017. Freestanding emergency centers continually note that they are the same as hospital-based freestanding emergency departments, thus they should be held to the same violation fee schedule.

As proposed, S.B. 1592 amends current law relating to the amount of an administrative penalty assessed against freestanding emergency medical care 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 Section 254.205(c), Health and Safety Code, as follows:

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

SECTION 2. Effective date: September 1, 2017.