

1-1 By: Perry S.B. No. 2269
 1-2 (In the Senate - Filed March 11, 2025; March 25, 2025, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 28, 2025, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 28, 2025,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2269 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to dispute resolution for and enforcement actions against
 1-22 certain long-term care facilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 526.0202, Government Code, is amended by
 1-25 adding Subsection (b-1) to read as follows:

1-26 (b-1) A decision under the informal dispute resolution
 1-27 process by the contracting person adjudicating a dispute between
 1-28 the commission and a facility described by Subsection (b) is
 1-29 binding on the commission and cannot be overturned by the
 1-30 commission.

1-31 SECTION 2. Section 242.002, Health and Safety Code, is
 1-32 amended by adding Subdivision (13) to read as follows:

1-33 (13) "Retaliate" means an adverse action by the
 1-34 commission in response to a good faith action by a nursing facility
 1-35 responding to a commission decision negatively affecting the
 1-36 nursing facility.

1-37 SECTION 3. Section 242.070, Health and Safety Code, is
 1-38 amended to read as follows:

1-39 Sec. 242.070. APPLICATION OF OTHER LAW. (a) The commission
 1-40 [department] may not assess more than one monetary penalty under
 1-41 this chapter and Chapter 32, Human Resources Code, for a violation
 1-42 arising out of the same act or failure to act, except as provided by
 1-43 Section 242.0665(c). The commission [department] may assess the
 1-44 greater of a monetary penalty under this chapter or a monetary
 1-45 penalty under Chapter 32, Human Resources Code, for the same act or
 1-46 failure to act.

1-47 (b) The commission may not impose an administrative penalty
 1-48 under this chapter and Chapter 32, Human Resources Code, against a
 1-49 nursing facility for a violation arising out of the same act or
 1-50 failure to act that is the subject of:

1-51 (1) a penalty imposed by the Centers for Medicare and
 1-52 Medicaid Services under 42 C.F.R. Section 488.408 against the
 1-53 facility; or

1-54 (2) a penalty the facility appeals under 42 C.F.R.
 1-55 Part 498 before the facility exhausts all rights of appeal if:

1-56 (A) the federal requirement is the same or
 1-57 substantially similar to a requirement in this chapter or Chapter
 1-58 32, Human Resources Code; and

1-59 (B) Subdivision (1) does not apply.

1-60 SECTION 4. Subchapter C, Chapter 242, Health and Safety

2-1 Code, is amended by adding Section 242.075 to read as follows:
 2-2 Sec. 242.075. PROHIBITED RETALIATION. The commission may
 2-3 not retaliate against a nursing facility in response to the
 2-4 facility in good faith appealing a commission decision or filing
 2-5 another action to counter a commission action against the facility.
 2-6 SECTION 5. The changes in law made by this Act apply only to
 2-7 a violation that occurs on or after the effective date of this Act.
 2-8 A violation that occurs before the effective date of this Act is
 2-9 governed by the law as it existed immediately before the effective
 2-10 date of this Act, and that law is continued in effect for that
 2-11 purpose.
 2-12 SECTION 6. This Act takes effect September 1, 2025.

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