

By: Howard

H.B. No. 2187

Substitute the following for H.B. No. 2187:

By: VanDeaver

C.S.H.B. No. 2187

A BILL TO BE ENTITLED

AN ACT

relating to hospital staffing report and complaint processes and to retaliation and mandatory overtime protections for nurses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 257.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Commission" means the Health and Human Services Commission.

(1-a) "Committee" means a nurse staffing committee required by this chapter.

SECTION 2. Section 257.005, Health and Safety Code, is amended by adding Subsections (a-1) and (d) to read as follows:

(a-1) The chief nursing officer of each hospital shall attest to the accuracy of information reported under Subsection (a).

(d) The department shall provide the information reported under Subsection (a) to the commission.

SECTION 3. Chapter 257, Health and Safety Code, is amended by adding Sections 257.006 and 257.007 to read as follows:

Sec. 257.006. PROHIBITED RETALIATION. A hospital may not retaliate against a nurse who provides information to the committee or reports violations of this chapter to hospital management or the commission.

1       Sec. 257.007. ENFORCEMENT; COMPLAINT RESOLUTION. (a) The  
2 commission shall enforce this chapter in accordance with:

3           (1) Subchapter C, Chapter 241, against a hospital  
4 licensed under that chapter as if the hospital violated that  
5 chapter;

6           (2) Chapter 577 and rules adopted under Sections  
7 577.010 and 577.013, against a hospital licensed under Chapter 577  
8 as if the hospital violated that chapter; and

9           (3) rules adopted under Section 241.026(a).

10       (b) The commission shall establish a process to provide  
11 prompt review and timely resolution of each complaint submitted  
12 under this chapter. The commission must:

13           (1) develop a procedure, or designate an existing  
14 procedure, through which a party may submit a written or verbal  
15 complaint;

16           (2) establish a time to review and respond to the  
17 complaint; and

18           (3) provide the complainant written notice of the  
19 commission's decision regarding the complaint, including:

20                   (A) the contact information of the commission  
21 employee responsible for the complaint;

22                   (B) commission actions in reviewing, evaluating,  
23 or investigating the complaint;

24                   (C) the results of the commission's review of the  
25 complaint;

26                   (D) for each reviewed complaint for which an  
27 investigation is not conducted, an explanation of the reason the

1 commission resolved the complaint without investigation; and

2 (E) the date the complaint is resolved.

3 (c) All information and materials in the possession of or  
4 obtained or compiled by the commission in connection with a  
5 complaint and investigation are confidential and not subject to  
6 disclosure in accordance with:

7 (1) Section 241.051(d) for a complaint submitted  
8 against a hospital licensed under Chapter 241; or

9 (2) Section 577.013(e) for a complaint submitted  
10 against a hospital licensed under Chapter 577.

11 SECTION 4. Section 258.001, Health and Safety Code, is  
12 amended by amending Subdivision (1) and adding Subdivision (1-a) to  
13 read as follows:

14 (1) "Commission" means the Health and Human Services  
15 Commission.

16 (1-a) "Hospital" means:

17 (A) a general hospital or special hospital, as  
18 those terms are defined by Section 241.003, including a hospital  
19 maintained or operated by this state; or

20 (B) a mental hospital licensed under Chapter 577.

21 SECTION 5. Section 258.005, Health and Safety Code, is  
22 amended to read as follows:

23 Sec. 258.005. RETALIATION PROHIBITED. A hospital may not  
24 suspend, terminate, or otherwise discipline or discriminate  
25 against a nurse who refuses to work mandatory overtime or reports  
26 violations of this chapter to hospital management or the  
27 commission.

1 SECTION 6. Chapter 258, Health and Safety Code, is amended  
2 by adding Section 258.006 to read as follows:

3 Sec. 258.006. ENFORCEMENT; COMPLAINT RESOLUTION. (a) The  
4 commission shall enforce this chapter in accordance with:

5 (1) Subchapter C, Chapter 241, against a hospital  
6 licensed under that chapter as if the hospital violated that  
7 chapter;

8 (2) Chapter 577 and rules adopted under Sections  
9 577.010 and 577.013, against a hospital licensed under Chapter 577  
10 as if the hospital violated that chapter; and

11 (3) rules adopted under Section 241.026(a).

12 (b) The commission shall establish a process to provide  
13 prompt review and timely resolution of each complaint submitted  
14 under this chapter. The commission must:

15 (1) develop a procedure, or designate an existing  
16 procedure, through which a party may submit a written or verbal  
17 complaint;

18 (2) establish a time to review and respond to the  
19 complaint; and

20 (3) provide the complainant written notice of the  
21 commission's decision regarding the complaint, including:

22 (A) the contact information of the commission  
23 employee responsible for the complaint;

24 (B) commission actions in reviewing, evaluating,  
25 or investigating the complaint;

26 (C) the results of the commission's review of the  
27 complaint;

1           (D) for each reviewed complaint for which an  
2 investigation is not conducted, an explanation of the reason the  
3 commission resolved the complaint without investigation; and

4           (E) the date the complaint is resolved.

5           (c) All information and materials in the possession of or  
6 obtained or compiled by the commission in connection with a  
7 complaint and investigation are confidential and not subject to  
8 disclosure in accordance with:

9           (1) Section 241.051(d) for a complaint submitted  
10 against a hospital licensed under Chapter 241; or

11           (2) Section 577.013(e) for a complaint submitted  
12 against a hospital licensed under Chapter 577.

13           SECTION 7. Not later than December 31, 2025, the executive  
14 commissioner of the Health and Human Services Commission shall  
15 adopt any rules necessary to implement the changes in law made by  
16 this Act.

17           SECTION 8. This Act takes effect September 1, 2025.