Denial, Suspension, and Revocation of Trauma Facility Designation

Legend: (Proposed Amendments)

Single Underline = Proposed new language
[Bold Print and Brackets] = Current language proposed for deletion
Regular Print = Current language
(No Change) = No changes are being considered for the designated subdivision

(a) [A hospital's] An applicant/healthcare facility's application for designation may be denied or a [trauma] healthcare facility's [(facility)] trauma designation may be suspended or revoked for, but not limited to, the following reasons:

1. failure to comply with the statute and these sections;
2. willful preparation or filing of false reports or records;
3. fraud or deceit in obtaining or attempting to obtain designation status;
4. refusal to submit data to the [state trauma registry] Texas EMS/Trauma Registry;
5. failure to maintain required licenses, designations, and accreditations or when disciplinary action has been taken against the [hospital] healthcare facility by a licensing agency;
6. failure to have appropriate staff or equipment required for designation as described in §157.125 of this title (relating to Requirements for Trauma Facility Designation);
7. abuse or abandonment of a patient;
8. unauthorized disclosure of medical or other confidential information;
9. alteration or inappropriate destruction of medical records;
10. refusal to render care because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem, or inability to pay; or
11. criminal conviction(s) as described in the Occupations Code, Chapter 53, Subchapter B.

(b) Occasional failure of a [hospital or] healthcare facility to meet designation criteria shall not be grounds for denial, suspension or revocation by the [Bureau of Emergency Management (bureau)] Office of EMS/Trauma Systems Coordination (Office), if the circumstances under which the failure occurred:

1. do not reflect an overall deterioration in quality of and commitment to trauma care; and
2. are corrected within a reasonable timeframe by the [hospital or] healthcare facility.

(c) If the [bureau] Office proposes to deny, suspend, or revoke a designation, the [bureau] Office shall notify the [hospital or] healthcare facility at the address shown in the current records of the department. The notice shall state the alleged facts that warrant the action and state
that the [hospital or] healthcare facility has an opportunity to request a hearing in accordance with [the Administrative Procedure Act, Government Code,] Chapter 2001 of the Texas Government Code.

(1) The [hospital or] healthcare facility shall request a hearing in writing and submit it to the [bureau chief] Director of the Office within 15 days after the date of the denial, suspension, or revocation notice.

(2) If the [hospital or] healthcare facility does not request a hearing in writing, after being sent the notice of opportunity for hearing, it is deemed to have waived the opportunity for a hearing and the denial, suspension, or revocation decision shall stand.

(d) Six months after the denial of [a hospital's] an applicant/healthcare facility’s [application for] designation, the [hospital] applicant/healthcare facility may reapply for trauma facility designation as described in §157.125 of this title.

(e) When a designation has been suspended, the suspension shall be in effect a minimum of 10 days. Upon completion of the assigned suspension time, designation shall resume.

(f) One year after the revocation of a healthcare facility’s designation, the [hospital] healthcare facility may reapply for designation as described in §157.125 of this title. The [bureau] Office may deny designation if the [bureau] Office determines that the reason for the revocation continues to exist.