

FORTY-SIXTH LEGISLATURE  
FIRST SESSION, 2003

March 15, 2003

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred  
HOUSE BILL 723

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 11, strike "ELIMINATING A REDUNDANT PROCEDURE" and insert in lieu thereof "EXPANDING PROCEDURES".

2. On page 3, line 4, after "C." insert "The provisions of this section for intermediate sanctions and civil monetary penalties shall apply to certified nursing facilities only when a federal agency has not imposed the same or similar remedies, sanctions or penalties for the same violations."

3. On page 3, between lines 12 and 13, insert the following new subsection:

"D. Rules adopted by the department shall permit sanctions, pursuant to Paragraph (1) of Subsection A of this section, for a specific violation in a certified nursing facility if:

(1) the state statute or rule is not substantially duplicated by a federal certification rule; or

(2) the department determines intermediate sanctions are necessary if sanctions permitted pursuant to Paragraph (1) of Subsection A of this section do not duplicate a sanction imposed under the authority of 42 U.S.C. 1395 or 1396 for a particular deficiency."

4. On page 3, line 13, before "A" insert the subsection designation "E."

FORTY-SIXTH LEGISLATURE  
FIRST SESSION, 2003

HJC/HB 723

Page 2

Respectfully submitted,

\_\_\_\_\_  
W. Ken Martinez, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Martinez

Absent: None

. 146939. 1

H0723JC1. wpd