

RULE §157.128 Denial, Suspension, and Revocation of Trauma Facility Designation

(a) An applicant/healthcare facility's application for designation may be denied or a healthcare facility's 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) failure to submit data to the Texas EMS/Trauma Registry;
 - (5) failure to maintain required licenses, designations, and accreditations; ~~or when~~
 - (6) disciplinary action has been taken against the healthcare facility by another state or a U.S. Territory or in another nation, or having received disciplinary actions related to another health providers certification or license issued by a licensing agency;
 - (7) 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);
 - (8) abuse or abandonment of a patient, to include failure to accept patients from arriving EMS agencies in an acceptable time;
 - (9) unauthorized disclosure of medical or other confidential information;
 - (10) alteration or inappropriate destruction of medical records;
 - (11) refusal to render care because of a patient's race, color, sex, creed, national origin, sex, religion, sexual preference, age, disability, handicap, medical problem, or inability to pay, or continual events producing moderate levels of harm or higher that are not addressed by the hospital; ~~or~~
 - (12) criminal conviction(s) as described in the Occupations Code, Chapter 53, Subchapter B.
- (b) Occasional failure of a healthcare facility to meet designation criteria shall be considered and may not be grounds for denial, suspension or revocation by the department Office of EMS/Trauma Systems Section Coordination (office), if the circumstances under which the failure occurred:
- (1) do not reflect an overall deterioration in quality of trauma care and there is appropriate reporting; and
 - (2) are corrected within a reasonable timeframe by the healthcare facility.
- (c) If the department office proposes to deny, suspend, or revoke a designation, the department office shall notify the healthcare facility at the address shown in the current records of the department. The notice shall state the alleged facts that warrant the proposed action and state that the healthcare facility has an opportunity to request a hearing in accordance with Government Code, Chapter 2001.
- (1) A request for a hearing shall be in writing and submitted to the Office of EMS/Trauma Systems Section Coordination and postmarked within 15 days of the date the notice was sent.
 - (2) If the healthcare facility fails to timely submit a written request for a hearing, it will be deemed to have waived the opportunity for a hearing and the proposed action will be ordered.
- (d) Six months after the denial of an applicant/healthcare facility's designation, the applicant/healthcare facility may reapply for trauma facility designation as described in §157.125 of this title.
- (e) One year after the revocation of a healthcare facility's designation, the healthcare facility may reapply for designation as described in §157.125 of this title. The department office may deny

Commented [S(1)]: What is this referring too? Should this be the rule or requirements in 157.125?

Commented [S(2R1)]: THESE would refer to TAC 157.128

Commented [S(3)]: The correct name is the Texas Trauma Registry

Commented [S(4)]: Includes CMS actions.

Commented [S(5)]: This is the same language legal approved for EMS

Commented [S(6)]: May need to update to reflect the new trauma rules language.

Commented [S(7)]: Used the current descriptors from Civil Rights website. They have veteran status and genetic information that I did not include.

Commented [S(8)]: Is this in the correct place?

Commented [S(9)]: <https://statutes.capitol.texas.gov/Docs/OC/htm/OC.53.htm>
Who would this apply to? Anyone employed in the hospital? Seems to be very broad? Allows for interpretation by the department? Would this apply to physicians practicing in the program?

Commented [S(10)]: We do not take action it's the Department

Commented [K(11)]: Can we make this rule pertinent to all designations – trauma, stroke, maternal, and neonatal

designation if the ~~department~~office determines that the reason for the revocation continues to exist.

(f) The department will define the facility's funding implications related to the designation denial, suspension, or revocation.

Commented [K(12): If their designation is denied, suspended, or revoked, should their UCC or other department funding be impacted?

Commented [S(13R12): I think that determination should be made on a case by case basis.

Commented [S(14): We will need to say what action the department will take