

Texas Administrative Code

[TITLE 25](#) HEALTH SERVICES
[PART 1](#) DEPARTMENT OF STATE HEALTH SERVICES
[CHAPTER 157](#) EMERGENCY MEDICAL CARE
[SUBCHAPTER](#) EMERGENCY MEDICAL SERVICES TRAUMA SYSTEMS
[G](#)

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 disciplinary action has been taken against the 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 healthcare facility to meet designation criteria shall not be grounds for denial, suspension or revocation by the 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 trauma care; and
 - (2) are corrected within a reasonable timeframe by the healthcare facility.
- (c) If the office proposes to deny, suspend, or revoke a designation, the 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 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 office may deny designation if the office determines that the reason for the revocation continues to exist.

Source Note: The provisions of this §157.128 adopted to be effective September 1, 2000, 25 TexReg 3749; amended to be effective December 26, 2006, 31 TexReg 10300