

## **BILL ANALYSIS**

C.S.H.B. 2777  
By: Hughes  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Pathology examinations are used for a number of reasons, including confirmation of the diagnosis, confirmation that the proper tissue was removed, and as a test for diseases or complications that may arise in the future. Pathology examinations are routinely conducted in connection with surgical procedures performed in day surgery or hospital operating environments. The purpose of C.S.H.B. 2777 is to require pathology reports on certain pregnancy terminations as well.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2777 amends Chapter 170, Health and Safety Code, by adding Subchapter B, "Pathology Reporting Requirements." This subchapter requires that abortion facility operators must submit pathology reports on each abortion performed. The bill exempts abortion facilities licensed under Chapter 241, Health and Safety Code (Hospitals), from this requirement. These reports must be submitted on a form provided by the Texas Department of Health (TDH) and must include the name, title, and license number, if applicable, of the person performing the pathology examination; the name and mailing address of the facility where the pathology examination was performed; the date of the pathology examination and the date of abortion; the pathology examination findings, including the gestational age of the fetus, absence of pregnancy, live birth, and viability, as well as evidence of the findings; and the date the form is submitted.

The bill provides that all information held by TDH relating to pathology reporting requirements under Subchapter B of Chapter 170 is confidential and not subject to disclosure under Chapter 552, Government Code. The information may not be released or made public on subpoena or otherwise, except that release may be made:

- for statistical purposes, but only if a person, patient, or abortion facility is not identified;
- with the consent of each person, patient, and abortion facility identified in the information released;
- to medical personnel, appropriate state agencies, or county and district courts to enforce Subchapter B of Chapter 170; or
- to appropriate state licensing boards to enforce state licensing laws.

The bill provides that a violation of the pathology reporting requirements is a Class A misdemeanor.

The bill strikes the current definition of "abortion" in Section 170.001(1), Health and Safety Code, and provides a new definition for that term.

C.S.H.B. 2777 requires TDH to develop and make available the form for the pathology report not later than December 1, 2003.

The bill requires the Board of Health to set fees imposed under the bill in amounts reasonable and necessary

to defray the cost of administering Subchapter B of Chapter 170.

The bill makes conforming changes to chapter and subchapter headings.

### **EFFECTIVE DATE**

September 1, 2003. The Act applies only to an abortion performed on or after January 1, 2004.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2777 differs from the original in that it exempts facilities licensed under Chapter 241, Health and Safety Code (Hospitals), from the pathology reporting requirements described above. The original bill contained no such exemption.

The substitute modifies the section in the original concerning the instances in which information contained in pathology reports may be released by TDH. The original bill provided that release may be made:

- for statistical purposes, but only if a person, patient, physician, or facility is not identified;
- with the consent of each person, patient, physician, and facility identified in the information released;
- to appropriate state licensing boards to enforce state licensing laws; or
- to appropriate federal agencies, such as the Centers for Disease Control of the United States Public Health Service.

The substitute provides that release may be made:

- for statistical purposes, but only if a person, patient, or abortion facility is not identified;
  - with the consent of each person, patient, and abortion facility identified in the information released;
  - to medical personnel, appropriate state agencies, or county and district courts to enforce this subchapter;
- or
- to appropriate state licensing boards to enforce state licensing laws.

The substitute strikes the current definition of “abortion” in Section 170.001(1), Health and Safety Code, and adds a new definition for that term. The original bill did not include this provision.

The substitute adds language which requires the governing board of the Texas Department of Health to set fees to defray the cost of administering Subchapter B, Chapter 170, Health and Safety Code.

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The bill provides that all information held by TDH relating to pathology reporting requirements under Subchapter B of Chapter 170 is confidential and not subject to disclosure under Chapter 552, Government Code. The information may not be released or made public on subpoena or otherwise, except that release may be made:

- for statistical purposes, but only if a person, patient, or abortion facility is not identified;
- with the consent of each person, patient, and abortion facility identified in the information released;
- to medical personnel, appropriate state agencies, or county and district courts to enforce Subchapter B of Chapter 170; or
- to appropriate state licensing boards to enforce state licensing laws.

The bill provides that a violation of the pathology reporting requirements is a Class A misdemeanor.

The bill strikes the current definition of "abortion" in Section 170.001(1), Health and Safety Code, and provides a new definition for that term.

C.S.H.B. 2777 requires TDH to develop and make available the form for the pathology report not later than December 1, 2003.

The bill requires the Board of Health to set fees imposed under the bill in amounts reasonable and necessary

to defray the cost of administering Subchapter B of Chapter 170.

The bill makes conforming changes to chapter and subchapter headings.

**EFFECTIVE DATE**

September 1, 2003. The Act applies only to an abortion performed on or after January 1, 2004.

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The substitute strikes the current definition of “abortion” in Section 170.001(1), Health and Safety Code, and adds a new definition for that term. The original bill did not include this provision.

The substitute adds language which requires the governing board of the Texas Department of Health to set fees to defray the cost of administering Subchapter B, Chapter 170, Health and Safety Code.