

By: Uresti

H.B. No. 341

A BILL TO BE ENTITLED

AN ACT

relating to parenting and postpartum counseling information to be provided to a pregnant woman.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. PARENTING AND POSTPARTUM COUNSELING INFORMATION

Sec. 161.451. RESOURCE LIST. (a) A hospital, birthing center, physician, or midwife who provides prenatal care to a pregnant woman during gestation or at delivery of an infant shall:

(1) provide the woman with a resource list of the names, addresses, and phone numbers of professional organizations that provide postpartum counseling and assistance to parents; and

(2) retain for at least three years in the hospital's, birthing center's, physician's, or midwife's records a statement signed by the woman acknowledging receipt of the list.

(b) The list must include resources a parent may contact to receive counseling and assistance for postpartum depression and other emotional traumas associated with pregnancy and parenting.

(c) A hospital, birthing center, physician, or midwife who provides prenatal care to a woman during gestation or at delivery is presumed to have complied with this section if the woman received prior prenatal care from another hospital, birthing center, physician, or midwife in this state during the same pregnancy.

1 Sec. 161.452. DUTIES OF DEPARTMENT. The department shall:

2 (1) establish guidelines for the provision of the
3 information required by Section 161.451;

4 (2) make available on the department's website a
5 printable list of professional organizations that provide
6 postpartum counseling and assistance to parents; and

7 (3) update the list required under Subdivision (2)
8 monthly.

9 SECTION 2. Section 241.053(a), Health and Safety Code, is
10 amended to read as follows:

11 (a) The department, after providing notice and an
12 opportunity for a hearing to the applicant or license holder, may
13 deny, suspend, or revoke a hospital's license if the department
14 finds that the hospital:

15 (1) failed to comply with:

16 (A) a provision of this chapter;

17 (B) a rule adopted under this chapter;

18 (C) a special license condition;

19 (D) an order or emergency order by the
20 commissioner of health; ~~or~~

21 (E) another enforcement procedure permitted
22 under this chapter; or

23 (F) Section 161.451;

24 (2) has a history of noncompliance with the rules
25 adopted under this chapter relating to patient health, safety, and
26 rights which reflects more than nominal noncompliance; or

27 (3) has aided, abetted, or permitted the commission of

1 an illegal act.

2 SECTION 3. Section 244.011(a), Health and Safety Code, is
3 amended to read as follows:

4 (a) The department may deny, suspend, or revoke a license
5 for:

6 (1) a violation of this chapter or a rule adopted under
7 this chapter; ~~[or]~~

8 (2) a history of continuing noncompliance with this
9 chapter or the rules adopted under this chapter; or

10 (3) failure to comply with Section 161.451.

11 SECTION 4. Section 164.052(a), Occupations Code, is amended
12 to read as follows:

13 (a) A physician or an applicant for a license to practice
14 medicine commits a prohibited practice if that person:

15 (1) submits to the board a false or misleading
16 statement, document, or certificate in an application for a
17 license;

18 (2) presents to the board a license, certificate, or
19 diploma that was illegally or fraudulently obtained;

20 (3) commits fraud or deception in taking or passing an
21 examination;

22 (4) uses alcohol or drugs in an intemperate manner
23 that, in the board's opinion, could endanger a patient's life;

24 (5) commits unprofessional or dishonorable conduct
25 that is likely to deceive or defraud the public, as provided by
26 Section 164.053, or injure the public;

27 (6) uses an advertising statement that is false,

1 misleading, or deceptive;

2 (7) advertises professional superiority or the
3 performance of professional service in a superior manner if that
4 advertising is not readily subject to verification;

5 (8) purchases, sells, barter, or uses, or offers to
6 purchase, sell, barter, or use, a medical degree, license,
7 certificate, or diploma, or a transcript of a license, certificate,
8 or diploma in or incident to an application to the board for a
9 license to practice medicine;

10 (9) alters, with fraudulent intent, a medical license,
11 certificate, or diploma, or a transcript of a medical license,
12 certificate, or diploma;

13 (10) uses a medical license, certificate, or diploma,
14 or a transcript of a medical license, certificate, or diploma that
15 has been:

16 (A) fraudulently purchased or issued;

17 (B) counterfeited; or

18 (C) materially altered;

19 (11) impersonates or acts as proxy for another person
20 in an examination required by this subtitle for a medical license;

21 (12) engages in conduct that subverts or attempts to
22 subvert an examination process required by this subtitle for a
23 medical license;

24 (13) impersonates a physician or permits another to
25 use the person's license or certificate to practice medicine in
26 this state;

27 (14) directly or indirectly employs a person whose

1 license to practice medicine has been suspended, canceled, or
2 revoked;

3 (15) associates in the practice of medicine with a
4 person:

5 (A) whose license to practice medicine has been
6 suspended, canceled, or revoked; or

7 (B) who has been convicted of the unlawful
8 practice of medicine in this state or elsewhere;

9 (16) performs or procures a criminal abortion, aids or
10 abets in the procuring of a criminal abortion, attempts to perform
11 or procure a criminal abortion, or attempts to aid or abet the
12 performance or procurement of a criminal abortion; ~~[or]~~

13 (17) directly or indirectly aids or abets the practice
14 of medicine by a person, partnership, association, or corporation
15 that is not licensed to practice medicine by the board; or

16 (18) fails to provide the resource list or maintain
17 the statement required by Section 161.451, Health and Safety Code.

18 SECTION 5. Section 203.404(a), Occupations Code, is amended
19 to read as follows:

20 (a) The midwifery board may discipline a documented midwife
21 and may refuse to issue a letter of documentation to an applicant
22 who:

23 (1) violates this chapter or a rule adopted under this
24 chapter;

25 (2) submits false or misleading information to the
26 midwifery board, the board, or the department;

27 (3) is convicted of a misdemeanor involving moral

1 turpitude or a felony;

2 (4) uses alcohol or drugs intemperately;

3 (5) engages in unprofessional or dishonorable conduct
4 that may reasonably be determined to deceive or defraud the public;

5 (6) is unable to practice midwifery with reasonable
6 skill and safety because of illness, disability, or psychological
7 impairment;

8 (7) is determined by a court judgment to be mentally
9 impaired;

10 (8) submits a birth or death certificate known by the
11 person to be false or fraudulent or engages in another act that
12 violates Title 3, Health and Safety Code, or a rule adopted under
13 that title;

14 (9) violates Chapter 244, Health and Safety Code, or a
15 rule adopted under that chapter; [~~or~~]

16 (10) fails to practice midwifery in a manner
17 consistent with the public health and safety; or

18 (11) fails to provide the resource list or maintain
19 the statement required by Section 161.451, Health and Safety Code.

20 SECTION 6. (a) Except as provided by Subsection (c) of this
21 section, this Act takes effect September 1, 2003.

22 (b) The Texas Department of Health shall establish the
23 guidelines and compile the resource list required by Subchapter R,
24 Chapter 161, Health and Safety Code, as added by this Act, not later
25 than January 1, 2004.

26 (c) Sections 241.053(a)(1)(F) and 244.011(a)(3), Health and
27 Safety Code, and Sections 164.052(a)(18) and 203.404(a)(11),

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1 Occupations Code, as added by this Act, take effect January 1, 2005.