

By: Uresti

H.B. No. 341

A BILL TO BE ENTITLED

AN ACT

relating to parenting and crisis 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 CRISIS COUNSELING INFORMATION

Sec. 161.451. RESOURCE LIST. (a) A physician or midwife who provides prenatal care to a pregnant woman during gestation or at delivery of an infant shall provide the woman with a resource list of the names, addresses, and phone numbers of professional organizations that provide crisis counseling and assistance to parents.

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

(c) A 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 physician or midwife in this state during the same pregnancy.

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

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

1 (2) provide to a physician or midwife on request a list
2 of professional organizations that provide crisis assistance and
3 counseling to parents.

4 SECTION 2. Section 164.052(a), Occupations Code, is amended
5 to read as follows:

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

8 (1) submits to the board a false or misleading
9 statement, document, or certificate in an application for a
10 license;

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

13 (3) commits fraud or deception in taking or passing an
14 examination;

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

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

20 (6) uses an advertising statement that is false,
21 misleading, or deceptive;

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

25 (8) purchases, sells, barter, or uses, or offers to
26 purchase, sell, barter, or use, a medical degree, license,
27 certificate, or diploma, or a transcript of a license, certificate,

1 or diploma in or incident to an application to the board for a
2 license to practice medicine;

3 (9) alters, with fraudulent intent, a medical license,
4 certificate, or diploma, or a transcript of a medical license,
5 certificate, or diploma;

6 (10) uses a medical license, certificate, or diploma,
7 or a transcript of a medical license, certificate, or diploma that
8 has been:

9 (A) fraudulently purchased or issued;

10 (B) counterfeited; or

11 (C) materially altered;

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

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

17 (13) impersonates a physician or permits another to
18 use the person's license or certificate to practice medicine in
19 this state;

20 (14) directly or indirectly employs a person whose
21 license to practice medicine has been suspended, canceled, or
22 revoked;

23 (15) associates in the practice of medicine with a
24 person:

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

27 (B) who has been convicted of the unlawful

1 practice of medicine in this state or elsewhere;

2 (16) performs or procures a criminal abortion, aids or
3 abets in the procuring of a criminal abortion, attempts to perform
4 or procure a criminal abortion, or attempts to aid or abet the
5 performance or procurement of a criminal abortion; ~~[or]~~

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

9 (18) fails to provide the resource list required by
10 Section 161.451, Health and Safety Code.

11 SECTION 3. Section 203.404(a), Occupations Code, is amended
12 to read as follows:

13 (a) The midwifery board may discipline a documented midwife
14 and may refuse to issue a letter of documentation to an applicant
15 who:

16 (1) violates this chapter or a rule adopted under this
17 chapter;

18 (2) submits false or misleading information to the
19 midwifery board, the board, or the department;

20 (3) is convicted of a misdemeanor involving moral
21 turpitude or a felony;

22 (4) uses alcohol or drugs intemperately;

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

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

1 (7) is determined by a court judgment to be mentally
2 impaired;

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

7 (9) violates Chapter 244, Health and Safety Code, or a
8 rule adopted under that chapter; ~~or~~

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

11 (11) fails to provide the resource list required by
12 Section 161.451, Health and Safety Code.

13 SECTION 4. (a) Except as provided by Subsection (c) of
14 this section, this Act takes effect September 1, 2003.

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

19 (c) Sections 164.052(a)(18) and 203.404(a)(11),
20 Occupations Code, as added by this Act, take effect January 1, 2005.