

## **BILL ANALYSIS**

H.B. 811  
By: Corte  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Legislature first enacted the Texas Abortion Facility Reporting and Licensing Act in 1985. During changes to the Texas Department of Health rules concerning the enforcement of that Act, it became apparent that no state agency had authority to enforce minimum standards on a doctor's office in which pregnancy terminations if there were an insufficient number of procedure to require licensure under Chapter 245 of the Health and Safety Code.

While licensure should not be necessary for physician's offices which perform fewer than 50 procedures a year, for the protection of women's health and safety, minimum safety standards should be required at any facility that may provide a pregnancy termination. House Bill 811 would amend Chapter 245 of the Health and Safety Code to provide the Department of State Health Services the ability to enforce the minimum standards of section 245.010 and require physicians performing pregnancy terminations to adhere to those standards.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

Reenacts Section 245.004(a) of the Health and Safety Code to exempt certain facilities licensed under other chapters from licensing requirements under Chapter 245. Amends Chapter 245 of the Health and Safety Code to allow the Department of State Health Services to inspect physician's offices that are exempt from the licensing requirement for compliance with the minimum standards adopted under Section 245.010. The bill also requires a physician's office exempt from the licensing requirement of the chapter to comply with the standards or be subject to the enforcement and penalty provisions of Chapter 245.

### **EFFECTIVE DATE**

September 1, 2005