

By: Zedler, Hughes, Flynn

H.B. No. 702

Substitute the following for H.B. No. 702:

By: Miller

C.S.H.B. No. 702

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a physician's report of a complication resulting from  
3 an elective termination or attempted elective termination of  
4 pregnancy.

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

6 SECTION 1. Chapter 170, Health and Safety Code, is amended  
7 by adding Subchapter B to read as follows:

8 SUBCHAPTER B. REPORTING OF COMPLICATIONS

9 Sec. 170.051. REPORTING REQUIREMENTS. (a) Each physician  
10 who provides medical care or treatment to a woman with a  
11 complication that the physician determines, in the physician's good  
12 faith judgment, results from an elective termination or attempted  
13 elective termination of pregnancy shall file a report with the  
14 department.

15 (b) The report must be submitted not later than the 30th day  
16 after the date the physician first examined the woman with respect  
17 to the complication.

18 (c) The department shall maintain a toll-free telephone  
19 number a physician may use to submit the report required by this  
20 section.

21 Sec. 170.052. REPORT. The report required by Section  
22 170.051 must include the following information, if known:

23 (1) the date of birth of the patient;

24 (2) the name of the facility in which the elective

1 termination of pregnancy was performed;

2 (3) the date the elective termination of pregnancy was  
3 performed;

4 (4) the nature of the complication;

5 (5) the name of the attending physician; and

6 (6) other information the department requires.

7 Sec. 170.053. RULES. The executive commissioner of the  
8 Health and Human Services Commission may adopt rules as necessary  
9 to administer this subchapter.

10 Sec. 170.054. CONFIDENTIAL INFORMATION. All information  
11 held by the department under this subchapter is confidential and  
12 not subject to disclosure under Chapter 552, Government Code. The  
13 information may not be released or made public on subpoena or  
14 otherwise, except that release may be made:

15 (1) for statistical purposes, but only if a person,  
16 patient, physician, or facility is not identified;

17 (2) with the consent of each person, patient,  
18 physician, and facility identified in the information released;

19 (3) to appropriate state licensing boards to enforce  
20 state licensing laws; or

21 (4) to appropriate federal agencies.

22 Sec. 170.055. SANCTION. A physician who intentionally  
23 violates this subchapter or a rule adopted under this subchapter is  
24 subject to sanction by the Texas State Board of Medical Examiners  
25 under Subchapter A, Chapter 165, Occupations Code, as if the  
26 physician violated Subtitle B, Title 3, Occupations Code.

27 SECTION 2. Sections 170.001 and 170.002, Health and Safety

1 Code, are designated as Subchapter A, Chapter 170, Health and  
2 Safety Code, and a heading for Subchapter A is added to read as  
3 follows:

4 SUBCHAPTER A. PROHIBITED ACTS RELATING TO ABORTION

5 SECTION 3. The chapter heading to Chapter 170, Health and  
6 Safety Code, is amended to read as follows:

7 CHAPTER 170. [~~PROHIBITED ACTS REGARDING~~] ABORTION

8 SECTION 4. This Act applies only to an elective termination  
9 or attempted elective termination of pregnancy performed on or  
10 after January 1, 2006.

11 SECTION 5. This Act takes effect September 1, 2005.