By:　Corte

H.B. No. 811

A BILL TO BE ENTITLED

1　　　　　　　　　　　　　　AN ACT

2 relating to the regulation of certain physician's offices where

3 abortions are performed.

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

5　　　　　SECTION 1.　Section 245.004(a), Health and Safety Code, as

6 amended by Section 2.63(a), Chapter 198, and Section 2, Chapter

7 999, Acts of the 78th Legislature, Regular Session, 2003, is

8 reenacted to read as follows:

9　　　　　(a)　The following facilities need not be licensed under this

10 chapter:

11　　　　　　　　　(1)　a hospital licensed under Chapter 241 (Texas

12 Hospital Licensing Law);

13　　　　　　　　　(2)　the office of a physician licensed under Subtitle

14 B, Title 3, Occupations Code, unless the office is used

15 substantially for the purpose of performing abortions; or

16　　　　　　　　　(3)　an ambulatory surgical center licensed under

17 Chapter 243.

18　　　　　SECTION 2.　Section 245.006, Health and Safety Code, is

19 amended by adding Subsection (c) to read as follows:

20　　　　　(c)　The department may inspect a physician's office that is

21 exempt from the licensing requirement of this chapter under Section

22 245.004(a)(2) for compliance with the minimum standards adopted

23 under Section 245.010.

24　　　　　SECTION 3.　Section 245.010, Health and Safety Code, is

1 amended by adding Subsection (e) to read as follows:

2     (e)  A physician's office exempt from the licensing

3 requirement of this chapter shall comply with the standards adopted

4 under this section.  A physician who performs an abortion in an

5 office that violates a rule adopted under this section is subject to

6 the enforcement and penalty provisions of Sections 245.013,

7 245.015, and 245.017-245.022.

8     SECTION 4.  A physician's office exempt from the licensing

9 requirements of Chapter 245, Health and Safety Code, under Section

10 245.004(a)(2), Health and Safety Code, as reenacted by this Act, is

11 not required to comply with the minimum standards adopted under

12 Section 245.010, Health and Safety Code, before January 1, 2006.

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