

By: Nelson

S.B. No. 762

A BILL TO BE ENTITLED

AN ACT

relating to the certification of mammography systems.

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

SECTION 1. Subchapter L, Chapter 401, Health and Safety Code, is amended by adding Section 401.4261 to read as follows:

Sec. 401.4261. SECURITY. (a) The department may require a person who holds a certification to provide security to assure performance of the person's obligations related to storing and maintaining mammography records as required by this subchapter and department rule.

(b) The department shall deposit the security to the credit of the perpetual care account.

(c) The department by rule shall determine the amount and type of security required under this section in accordance with reasonable estimates of the costs of storage and maintenance of mammography records in a manner that protects the public health and safety.

SECTION 2. Section 401.430(f), Health and Safety Code, is amended to read as follows:

(f) If, as a result of an inspection, the department determines that a facility's mammography system fails to meet the department's certification standards and the quality of mammography produced by that system creates a serious risk to public health, the department may require that ~~[the failure is a~~

1 ~~Severity Level I violation under the department's rules,~~ the
2 facility [~~shall~~] notify each patient affected [~~on whom the facility~~
3 ~~performed a mammography during the 30 days preceding the date of the~~
4 ~~inspection that revealed the failure~~]. The facility shall:

5 (1) inform the patient that the mammography system
6 failed to satisfy the department's certification standards;

7 (2) recommend that the patient consult with the
8 patient's physician regarding the need for another mammogram [~~have~~
9 ~~another mammogram performed at a facility with a certified~~
10 ~~mammography system~~]; and

11 (3) list the three facilities closest to the original
12 testing facility that have a certified mammography system.

13 SECTION 3. This Act takes effect September 1, 2007.