

BILL ANALYSIS

H.B. 3694
By: Laubenberg
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In recent years a number of companies dealing with mammography have filed for bankruptcy. When these companies dissolve the medical records often disappear as well. Federal law requires that these particular medical records be maintained for a minimum of 5 years or 10 years for more than one test. These test results are highly useful if a patient develops an irregularity. The 77th Session of the Texas Legislature established the radiation and perpetual care account in Chapter 401 of the Health and Safety Code.

H.B. 3694 expands the use of this fund to allow a third party company to be hired to contact patients and return these potentially lifesaving medical records.

H.B. 3694 adds the storage, maintenance, and distribution of mammography medical records to the purposes for which the perpetual care account may be administered.

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

H.B. 3694 amends the Health and Safety Code to include the storage, maintenance, and distribution of mammography medical records among the purposes for which money and security in the perpetual care account may be administered by the Department of State Health Services (DSHS) and the Texas Commission on Environmental Quality (TCEQ). The bill includes among the measures for which DSHS and TCEQ are authorized to use money in the account measures to protect the health and safety of mammography patients by assuring mammography medical records are made available to affected patients.

H.B. 3694 makes conforming changes relating to authority of DSHS or TCEQ to provide for the storage, maintenance, and distribution of mammography medical records by the terms of a mammography certification and establishing that the agencies are not liable for certain costs arising from a mammography certification holder's failure to store, maintain, and make available mammography medical records as a result of the existence of the account.

EFFECTIVE DATE

September 1, 2009.