

BILL ANALYSIS

S.B. 1082
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The maintenance and provision of historical mammography records is an important component of ensuring that patients receive the most thorough, accurate, and economical breast cancer screening possible. When previous records (base line records) are not available, areas of concern may not be properly diagnosed or patients must endure additional, costly procedures to ensure that a specific area is accurately diagnosed. When a facility that conducts mammographic exams closes or declares bankruptcy, the facility has no duty to maintain or preserve these medical records, and the office of the attorney general has pursued a number of cases in which patients have not been able to receive their base line records.

S.B. 1082 requires mammography facilities to store and maintain mammography medical records and make records available to patients. The bill authorizes the Department of State Health Services (DSHS) to use funds from the perpetual care account to pay for the storage and maintenance of mammography records, but does not make DSHS liable for the cost, storage, and maintenance of the records.

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

S.B. 1082 amends the Health and Safety Code to include the storage, maintenance, and distribution of mammography medical records in the services 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 measures to protect the health and safety of mammography patients by assuring mammography medical records are made available to affected patients in the measures for which DSHS and TCEQ are authorized to pay by using money in the perpetual care account.

S.B. 1082 authorizes DSHS or TCEQ to provide for the storage, maintenance, and distribution of mammography medical records by the terms of a mammography certification issued by DSHS or TCEQ to any person or by terms of a license issued to any person. The bill provides that the existence of the perpetual care account does not make DSHS or TCEQ liable for the costs of storage, maintenance, and distribution of mammography medical records arising from a mammography certification holder's failure to store, maintain, and make available mammography medical records.

EFFECTIVE DATE

September 1, 2009.