

BILL ANALYSIS

Senate Research Center
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S.B. 1082
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 insure 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.

As proposed, S.B. 1082 requires mammography facilities to store and maintain mammography medical records and make records available to patients. S.B. 1082 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 401.305(c), (e), (f), and (g), Health and Safety Code, as follows:

(c) Authorizes money and security in the perpetual care account to be administered by the Department of State Health Services (DSHS) or the Texas Commission on Environmental Quality (TCEQ) for storage, maintenance, and distribution of mammography medical records.

(e) Authorizes DSHS or TCEQ to use money in the perpetual care account to pay for measures to protect the health and safety of mammography patients by assuring mammography medical records are made available to affected patients. Makes nonsubstantive changes.

(f) Authorizes DSHS or TCEQ to provide, by the terms of a mammography certification issued by DSHS or TCEQ to any person or by the terms of a license issued to any person, for the storage, maintenance, and distribution of mammography records. Authorizes DSHS or TCEQ to provide, by the terms of a contract or lease entered into between DSHS or TCEQ and any person, for certain care of a site or facility subject to DSHS or TCEQ jurisdiction under this chapter as needed to carry out the purpose of this chapter.

(g) 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 or for certain other costs related to meeting the requirements of this chapter or of DSHS or TCEQ rules.

SECTION 2. Effective date: September 1, 2009.