

By: Laubenberg

H.B. No. 3694

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the storage, maintenance, and distribution of
3 mammography medical records.

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

5 SECTION 1. Sections 401.305(c), (e), (f), and (g), Health
6 and Safety Code, are amended to read as follows:

7 (c) Money and security in the perpetual care account may be
8 administered by the department or commission only for storage,
9 maintenance, and distribution of mammography medical records or the
10 decontamination, decommissioning, stabilization, reclamation,
11 maintenance, surveillance, control, storage, and disposal of
12 radioactive substances for the protection of the public health and
13 safety and the environment under this chapter and for refunds under
14 Section 401.303.

15 (e) The department or commission may use money in the
16 perpetual care account to pay for measures:

17 (1) to prevent or mitigate the adverse effects of
18 abandonment of radioactive substances, default on a lawful
19 obligation, insolvency, or other inability by the holder of a
20 license issued by the department or commission to meet the
21 requirements of this chapter or of department or commission rules;
22 [~~and~~]

23 (2) to assure the protection of the public health and
24 safety and the environment from the adverse effects of ionizing

1 radiation; and

2 (3) to protect the health and safety of mammography
3 patients by assuring mammography medical records are made available
4 to affected patients.

5 (f) The department or commission may provide, by the terms
6 of a contract or lease entered into between the department or
7 commission and any person, by the terms of a mammography
8 certification issued by the department or commission to any person,
9 or by the terms of a license issued to any person, for the storage,
10 maintenance, and distribution of mammography medical records. The
11 department or commission may provide, by the terms of a contract or
12 lease entered into between the department or commission and any
13 person or by the terms of a license issued by the department or
14 commission to any person, for the decontamination, closure,
15 decommissioning, reclamation, surveillance, or other care of a site
16 or facility subject to department or commission jurisdiction under
17 this chapter as needed to carry out the purpose of this chapter.

18 (g) The existence of the perpetual care account does not
19 make the department or commission liable for the costs of storage,
20 maintenance, and distribution of mammography medical records
21 arising from a mammography certification holder's failure to store,
22 maintain, and make available mammography medical records or for the
23 costs of decontamination, transfer, transportation, reclamation,
24 surveillance, or disposal of radioactive substances arising from a
25 license holder's abandonment of radioactive substances, default on
26 a lawful obligation, insolvency, or inability to meet the
27 requirements of this chapter or of department or commission rules.

1 SECTION 2. This Act takes effect September 1, 2009.