

By: Wentworth

S.B. No. 1193

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance and service of certain medical devices in health care facilities; providing a criminal penalty.

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

SECTION 1. Subchapter B, Chapter 431, Health and Safety Code, is amended by adding Section 431.0215 to read as follows:

Sec. 431.0215. ADDITIONAL PROHIBITED ACTS; CRIMINAL PENALTY. (a) In this section, "facility" means a hospital, ambulatory surgical center, physician's office, or medical clinic that is authorized under the laws of this state to provide health care in this state.

(b) Except as provided by Subsection (c), a person may not calibrate, repair, or perform preventive maintenance on or otherwise service a device designated by the United States Food and Drug Administration as a class II or class III medical device in a facility unless the person:

(1) holds an associate of applied science degree as a biomedical equipment technician issued by an accredited college or university;

(2) holds a bachelor's degree in engineering; or

(3) holds a certification to maintain or service a class II or class III medical device issued by the United States military.

(c) Subsection (b) does not apply to the calibration,

1 repair, maintenance, or service of a class II or class III medical
2 device that is used only for teaching and research purposes.

3 (d) A person commits an offense if the person violates
4 Subsection (b). An offense under this subsection is a Class C
5 misdemeanor.

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