

1-1 By: Nelson S.B. No. 256
1-2 (In the Senate - Filed December 10, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 14, 2011, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; March 14, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to requiring a private autopsy facility to post a notice
1-9 for filing a complaint against a physician; providing a penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subtitle A, Title 8, Health and Safety Code, is
1-12 amended by adding Chapter 671A to read as follows:

1-13 CHAPTER 671A. NOTICE REQUIRED AT PRIVATE AUTOPSY FACILITY

1-14 Sec. 671A.001. DEFINITION. In this chapter, "private
1-15 autopsy facility" means a facility that is owned or operated by a
1-16 physician who performs autopsy services for a fee or that employs a
1-17 physician to perform autopsy services for a fee, including autopsy
1-18 services performed on the order of a justice of the peace. The term
1-19 does not include a medical examiner's office.

1-20 Sec. 671A.002. NOTICE FOR COMPLAINTS REQUIRED. (a) A
1-21 private autopsy facility shall post a notice in a conspicuous place
1-22 in a public area of the facility that substantially complies with
1-23 the notice published by the Texas Medical Board under this section.

1-24 (b) The notice must state in English and in Spanish that a
1-25 person may file with the Texas Medical Board a complaint against a
1-26 physician who performs autopsy services and must include the
1-27 appropriate mailing address and telephone number of the Texas
1-28 Medical Board for filing complaints against physicians.

1-29 (c) The Texas Medical Board by rule shall adopt a sample
1-30 form of the notice. The board shall publish the notice on the
1-31 board's Internet website.

1-32 Sec. 671A.003. CRIMINAL PENALTY FOR FAILURE TO POST NOTICE.

1-33 (a) A private autopsy facility commits an offense if the facility
1-34 fails to post the notice required by this chapter.

1-35 (b) An offense under this section is a Class C misdemeanor.

1-36 SECTION 2. Not later than January 1, 2012, the Texas Medical
1-37 Board shall publish the notice as required by Section 671A.002,
1-38 Health and Safety Code, as added by this Act.

1-39 SECTION 3. (a) Except as provided by Subsection (b) of this
1-40 section, this Act takes effect September 1, 2011.

1-41 (b) Section 671A.003, Health and Safety Code, as added by
1-42 this Act, takes effect January 1, 2012.

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