

BILL ANALYSIS

C.S.H.B. 2816
By: Burkett
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerned parties contend that, after an abortion is performed, a woman may suffer from many complications as a result of the procedure. These parties assert that such a woman may be left unattended by the physician once the procedure is over, forcing the woman to seek emergency care on her own if complications occur. The parties further assert that physicians who perform abortions are currently not required to have active admitting privileges at a hospital even though admitting privileges by such an attending physician could increase the health and safety of a woman who chooses to have an abortion. C.S.H.B. 2816 seeks to require a physician performing or inducing an abortion to have admitting privileges at a hospital.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2816 amends the Health and Safety Code to require a physician performing or inducing an abortion, on the date the abortion is performed, to have active admitting privileges at a hospital that is located not more than 30 miles from the location at which the abortion is performed or induced and that provides obstetrical or gynecological health care services. The bill requires the physician to provide the patient with a telephone number by which the patient may, for 30 days following the procedure, 24 hours a day, reach the physician, health care personnel employed by the physician, or personnel employed by the facility at which the abortion was performed who have access to the patient's relevant medical records to request assistance for any complications that arise from the performance of the abortion and the name and telephone number of the nearest hospital to the home of the patient at which an emergency arising from the abortion would be treated. The bill requires the physician to maintain the patient's medical records in accordance with rules adopted by the Texas Medical Board. The bill makes it a Class A misdemeanor offense punishable by a fine only, not to exceed \$4,000, for a physician to violate the bill's requirements.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2816 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

83R 24653

13.113.732

Substitute Document Number: 83R 23945

SECTION 1. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.0031 to read as follows:

Sec. 171.0031. REQUIREMENTS OF PHYSICIAN; OFFENSE. (a) A physician performing or inducing an abortion must, on the date the abortion is performed, have active admitting privileges at a hospital that:

- (1) is located not further than 30 miles from the location at which the abortion is performed or induced; and
- (2) provides obstetrical or gynecological health care services.

(b) A physician who violates Subsection (a) commits an offense. An offense under this section is a Class A misdemeanor.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 1. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.0031 to read as follows:

Sec. 171.0031. REQUIREMENTS OF PHYSICIAN; OFFENSE. (a) A physician performing or inducing an abortion:

(1) must, on the date the abortion is performed, have active admitting privileges at a hospital that:

- (A) is located not further than 30 miles from the location at which the abortion is performed or induced; and
- (B) provides obstetrical or gynecological health care services;

(2) shall provide the patient with:

(A) a telephone number by which the patient may, for 30 days following the procedure, 24 hours a day, reach the physician, health care personnel employed by the physician, or personnel employed by the facility at which the abortion was performed who have access to the patient's relevant medical records to request assistance for any complications that arise from the performance of the abortion; and

(B) the name and telephone number of the nearest hospital to the home of the patient at which an emergency arising from the abortion would be treated; and

(3) shall maintain the patient's medical records in accordance with rules adopted by the Texas Medical Board.

(b) A physician who violates Subsection (a) commits an offense. An offense under this section is a Class A misdemeanor punishable by a fine only, not to exceed \$4,000.

SECTION 2. Same as introduced version.