

By: Schaefer

H.B. No. 832

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements for a physician performing an abortion at an abortion facility.

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

SECTION 1. Section 245.005(e), Health and Safety Code, is amended to read as follows:

(e) As a condition for renewal of a license, the licensee must submit to the department the annual license renewal fee and an annual report [~~, including the report required under Section 245.011~~].

SECTION 2. The heading to Section 245.011, Health and Safety Code, is amended to read as follows:

Sec. 245.011. PHYSICIAN REPORTING REQUIREMENTS; CRIMINAL PENALTY.

SECTION 3. Section 245.011, Health and Safety Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsections (f) and (g) to read as follows:

(a) A physician who performs an abortion at an [~~Each~~] abortion facility must complete and submit a monthly [~~an annual~~] report to the department on each abortion [~~that is~~] performed by the physician at the abortion facility. The report must be submitted on a form provided by the department.

(b) The report may not identify by any means [~~the physician performing the abortion or~~] the patient.

1 (d) Except as provided by Section 245.023, all information  
2 and records held by the department under this chapter are  
3 confidential and are not open records for the purposes of Chapter  
4 552, Government Code. That information may not be released or made  
5 public on subpoena or otherwise, except that release may be made:

6 (1) for statistical purposes, but only if a person,  
7 patient, physician performing an abortion, or abortion facility is  
8 not identified;

9 (2) with the consent of each person, patient,  
10 physician, and abortion facility identified in the information  
11 released;

12 (3) to medical personnel, appropriate state agencies,  
13 or county and district courts to enforce this chapter; or

14 (4) to appropriate state licensing boards to enforce  
15 state licensing laws.

16 (e) A person commits an offense if the person violates  
17 Subsection (b), (c), or (d) [this section]. An offense under this  
18 subsection is a Class A misdemeanor.

19 (f) Not later than the 15th day of each month, a physician  
20 shall submit to the department the report required by this section  
21 for each abortion performed by the physician at an abortion  
22 facility in the preceding calendar month.

23 (g) The department shall establish and maintain a secure  
24 electronic reporting system for the submission of the reports  
25 required by this section. The department shall adopt procedures to  
26 enforce this section and to ensure that only physicians who perform  
27 one or more abortions during the preceding calendar month are

1 required to file the reports under this section for that month.

2 SECTION 4. Chapter 245, Health and Safety Code, is amended  
3 by adding Sections 245.0115 and 245.0116 to read as follows:

4 Sec. 245.0115. NOTIFICATION. Not later than the seventh  
5 day after the date the report required by Section 245.011 is due,  
6 the commissioner of state health services shall notify the Texas  
7 Medical Board of a violation of that section. The board shall treat  
8 the notification as a complaint filed with the board.

9 Sec. 245.0116. DEPARTMENT REPORT. (a) The department  
10 shall publish on its Internet website a monthly report containing  
11 aggregate data of the information in the reports submitted under  
12 Section 245.011.

13 (b) The department's monthly report may not identify by any  
14 means an abortion facility, a physician performing the abortion, or  
15 a patient.

16 SECTION 5. The Department of State Health Services shall  
17 establish a secure electronic reporting system under Section  
18 245.011(g), Health and Safety Code, as added by this Act, not later  
19 than September 1, 2016.

20 SECTION 6. This Act takes effect September 1, 2015.