

By: Howard

H.B. No. 1210

A BILL TO BE ENTITLED

AN ACT

relating to an exception from penalties for a physician's or health care professional's professional judgment in providing certain abortion services to patients.

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

SECTION 1. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.006 to read as follows:

Sec. 171.006. PROFESSIONAL JUDGMENT EXCEPTION TO PENALTIES. (a) In this section, "health care professional" means an individual licensed, certified, or otherwise authorized to administer health care in this state in the ordinary course of business or professional practice. The term does not include a health care facility.

(b) Notwithstanding Sections 171.018 and 171.064 of this code and Chapter 164, Occupations Code, a health care professional, including a physician, is not subject to an administrative, civil, or criminal penalty for the professional's failure to comply with Section 171.012(a)(1)(B)(iii), 171.012(a)(2)-(6), 171.013, or 171.063 as that section applies to a specific patient if in the professional's good faith professional judgment, compliance with that section in that patient's case would be inconsistent with accepted, evidence-based medical practices and ethical standards.

(c) This section does not affect the professional standard of care applicable to a health care professional, including a

1 physician.

2 SECTION 2. This Act applies only to health care services
3 rendered on or after the effective date of this Act. Health care
4 services rendered before the effective date of this Act are
5 governed by the law in effect immediately before the effective date
6 of this Act, and that law continues in effect for that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.