

BILL ANALYSIS

H.B. 13
By: Capriglione
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have expressed a need for increased accuracy with regard to abortion complication data. H.B. 13 seeks to improve the collection of such data by requiring certain physicians and health care facilities to submit an abortion complication report containing specified information to the Health and Human Services Commission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 13 amends the Health and Safety Code to require a physician who performs at an abortion facility an abortion that results in an abortion complication, as defined by the bill, diagnosed or treated by that physician or who diagnoses or treats at an abortion facility an abortion complication that is the result of an abortion performed by another physician at the facility to submit to the Health and Human Services Commission (HHSC) in the form and manner prescribed by HHSC rule a report on each abortion complication diagnosed or treated by that physician or at the abortion facility not later than 72 hours after the complication is diagnosed or treated. The bill requires each hospital, abortion facility, freestanding emergency medical care facility, or health care facility that provides emergency medical care to electronically submit to HHSC in the form and manner prescribed by HHSC rule a report on each abortion complication diagnosed or treated at the facility not later than the 30th day after the date on which the complication is diagnosed or treatment is provided for the complication. The bill requires HHSC to develop a form for reporting abortion complications not later than January 1, 2018, publish the form on the HHSC website, and establish an electronic reporting system.

H.B. 13 authorizes the executive commissioner of HHSC by rule to adopt procedures to reduce duplication in reporting abortion complications. The bill prohibits such a report from identifying by any means the physician performing an abortion, other than a physician required by the bill to submit an abortion complication report, or the patient on whom the abortion was performed but requires a report to identify the name of the physician submitting the report or the name and type of health care facility submitting the report and to include certain specified information, if known, for each abortion complication.

H.B. 13, except as provided by statutory provisions relating to certain license status, inspection, inspection violation, administrative or civil penalty, professional discipline, or criminal

conviction information required to be provided to the public on request by the Department of State Health Services, makes all information and records held by HHSC under an abortion complication report confidential and exempt from disclosure as an open record under state public information law. The bill prohibits such information from being released or made public on subpoena or otherwise but authorizes release to be made for statistical purposes if a person, patient, or health care facility is not identified; with the consent of each person, patient, and facility identified in the information released; to medical personnel, appropriate state agencies, or county and district courts to enforce the Woman's Right to Know Act; or to appropriate state licensing boards to enforce state licensing laws.

H.B. 13 requires an abortion complication report to include the most specific, accurate, and complete reporting for the highest level of specificity. The bill requires HHSC to develop and publish on the HHSC website an annual report that aggregates on a statewide basis each abortion complication required to be reported for the previous calendar year. The bill subjects a physician or health care facility that violates the abortion complication reporting requirements to a civil penalty of \$500 for each violation and authorizes the attorney general, at the request of HHSC or the appropriate licensing agency, to file an action to recover such a civil penalty. The bill authorizes the attorney general to recover attorney's fees and costs incurred in bringing such an action and establishes that each day of a continuing violation constitutes a separate ground for recovery. The bill establishes that the third separate violation constitutes cause for the revocation or suspension of a physician's or health care facility's license, permit, registration, certificate, or other authority or for other disciplinary action against the physician or facility by the appropriate licensing agency. The bill requires HHSC to notify the Texas Medical Board of any violations of the abortion complication reporting requirements by a physician.

H.B. 13 requires the executive commissioner, not later than January 1, 2018, to adopt the rules necessary to implement the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.