

By: Perry

S.B. No. 872

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements by physicians and certain health care facilities regarding complications resulting from an abortion.

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

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

SUBCHAPTER F. REQUIRED REPORTING OF ABORTION COMPLICATIONS

Sec. 171.101. DEFINITIONS. In this subchapter, "abortion" and "physician" have the meanings assigned by Section 171.061.

Sec. 171.102. REQUIRED REPORTING. (a) Not later than the 30th day after the date a physician treats a patient for a complication that resulted or may have resulted from an abortion, the physician shall submit an abortion complication report on the form provided by the department. The report must be submitted to the vital statistics unit of the department by:

(1) certified mail marked as confidential; or

(2) electronic transmission confidentially through an encrypted format approved by the department.

(b) The abortion complication report must include:

(1) the date of the abortion that caused or may have caused the complication;

(2) the type of abortion that caused or may have caused the complication;

- 1           (3) any type of anesthesia used during the abortion;
- 2           (4) the gestational age of the fetus when the abortion  
3 was performed;
- 4           (5) the name and type of facility in which the abortion  
5 was performed;
- 6           (6) the date the complication was diagnosed and  
7 treated;
- 8           (7) the name and type of facility in which the  
9 complication was diagnosed and treated;
- 10          (8) a description of the complication;
- 11          (9) the number of previous live births of the patient;  
12 and
- 13          (10) the number of previous induced abortions of the  
14 patient.

15          (c) The report may not identify a patient by any means.

16          Sec. 171.103. CONFIDENTIAL INFORMATION. All information  
17 and records held by the department under this subchapter are  
18 confidential and are not open records for the purposes of Chapter  
19 552, Government Code. That information may not be released or made  
20 public on subpoena or otherwise, except that release may be made:

- 21           (1) for statistical purposes, but only if a person,  
22 patient, or facility is not identified;
- 23           (2) with the consent of each person, patient, and  
24 facility identified in the information released;
- 25           (3) to medical personnel, appropriate state agencies,  
26 or county and district courts to enforce this chapter; or
- 27           (4) to appropriate state licensing boards to enforce

1 state licensing laws.

2 SECTION 2. Subchapter A, Chapter 241, Health and Safety  
3 Code, is amended by adding Section 241.011 to read as follows:

4 Sec. 241.011. REPORTING REQUIREMENTS; CONFIDENTIAL  
5 INFORMATION. (a) A hospital shall submit an annual report to the  
6 department that states the number of patients who in the preceding  
7 year were treated at the hospital for complications resulting from  
8 an abortion, as that term is defined by Section 245.002. The report  
9 must be submitted on a form provided by the department and in  
10 accordance with department rules.

11 (b) The report may not identify a patient by any means.

12 (c) All information and records held by the department under  
13 this section are confidential and are not open records for the  
14 purposes of Chapter 552, Government Code. That information may not  
15 be released or made public on subpoena or otherwise, except that  
16 release may be made:

17 (1) for statistical purposes, but only if a person,  
18 patient, or hospital is not identified;

19 (2) with the consent of each person, patient, and  
20 hospital identified in the information released;

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

23 (4) to appropriate state licensing boards to enforce  
24 state licensing laws.

25 SECTION 3. Subchapter A, Chapter 254, Health and Safety  
26 Code, is amended by adding Section 254.002 to read as follows:

27 Sec. 254.002. REPORTING REQUIREMENTS; CONFIDENTIAL

1 INFORMATION. (a) A facility shall submit an annual report to the  
2 department that states the number of patients who in the preceding  
3 year were treated at the facility for complications resulting from  
4 an abortion, as that term is defined by Section 245.002. The report  
5 must be submitted on a form provided by the department and in  
6 accordance with department rules.

7 (b) The report may not identify a patient by any means.

8 (c) All information and records held by the department under  
9 this section are confidential and are not open records for the  
10 purposes of Chapter 552, Government Code. That information may not  
11 be released or made public on subpoena or otherwise, except that  
12 release may be made:

13 (1) for statistical purposes, but only if a person,  
14 patient, or facility is not identified;

15 (2) with the consent of each person, patient, and  
16 facility identified in the information released;

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

19 (4) to appropriate state licensing boards to enforce  
20 state licensing laws.

21 SECTION 4. Not later than January 1, 2018:

22 (1) the Department of State Health Services shall  
23 develop the forms required by Sections 171.102, 241.011, and  
24 254.002, Health and Safety Code, as added by this Act; and

25 (2) the executive commissioner of the Health and Human  
26 Services Commission shall adopt the rules necessary to implement  
27 Sections 241.011 and 254.002, Health and Safety Code, as added by

1 this Act.

2 SECTION 5. This Act takes effect September 1, 2017.