

By: Campbell, et al.

S.B. No. 1602

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to reporting requirements by certain health care  
3 facilities for abortion complications; authorizing a civil  
4 penalty.

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

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

8 Sec. 171.006. ABORTION COMPLICATION REPORTING  
9 REQUIREMENTS; CIVIL PENALTY. (a) In this section, "abortion  
10 complication" means any harmful event or adverse outcome with  
11 respect to a patient related to an abortion that is performed on the  
12 patient and that is diagnosed or treated by a health care  
13 practitioner or at a health care facility and includes:

- 14 (1) shock;  
15 (2) uterine perforation;  
16 (3) cervical laceration;  
17 (4) hemorrhage;  
18 (5) aspiration or allergic response;  
19 (6) infection;  
20 (7) sepsis;  
21 (8) death of the patient;  
22 (9) incomplete abortion;  
23 (10) damage to the uterus; or  
24 (11) an infant born alive after the abortion.

1       (b) The reporting requirements of this section apply only to  
2 a health care facility that is a hospital, abortion facility,  
3 freestanding emergency medical care facility, or health care  
4 facility that provides emergency medical care, as defined by  
5 Section 773.003.

6       (c) Each facility described by Subsection (b) shall submit  
7 to the department in the form and manner prescribed by department  
8 rule a quarterly report on each abortion complication diagnosed or  
9 treated at the facility.

10       (d) The department shall develop a form for reporting an  
11 abortion complication under Subsection (c) and publish the form on  
12 the department's Internet website. The form must include  
13 appropriate abortion complication diagnosis terminology that is  
14 consistent with standard diagnosis terminology used in medical  
15 practice.

16       (e) A report under this section may not identify by any  
17 means the physician performing an abortion or the patient.

18       (f) A report under this section must identify the name and  
19 type of facility submitting the report and must include, if known,  
20 for each abortion complication:

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

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

25               (3) the probable post-fertilization age of the unborn  
26 child when the abortion was performed;

27               (4) the name and type of the facility in which the

1 abortion was performed;  
2 (5) the date the complication was diagnosed or  
3 treated;  
4 (6) the name and type of any facility other than the  
5 reporting facility in which the complication was diagnosed or  
6 treated;  
7 (7) a description of the complication;  
8 (8) the number of previous live births of the patient;  
9 and  
10 (9) the number of previous induced abortions of the  
11 patient.  
12 (g) Except as provided by Section 245.023, all information  
13 and records held by the department under this section are  
14 confidential and are not open records for the purposes of Chapter  
15 552, Government Code. That information may not be released or made  
16 public on subpoena or otherwise, except that release may be made:  
17 (1) for statistical purposes, but only if a person,  
18 patient, or facility is not identified;  
19 (2) with the consent of each person, patient, and  
20 facility 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 (h) A report submitted under this section must meet the  
26 federal reporting requirements that mandate the most specific,  
27 accurate, and complete coding and reporting for the highest level

1 of specificity.

2 (i) The department shall develop and publish on the  
3 department's Internet website an annual report that aggregates on a  
4 statewide basis each abortion complication required to be reported  
5 under Subsection (f) for the previous calendar year.

6 (j) A facility that violates this section is subject to a  
7 civil penalty of \$500 for each violation. The attorney general, at  
8 the request of the department, may file an action to recover a civil  
9 penalty assessed under this subsection and may recover attorney's  
10 fees and costs incurred in bringing the action.

11 (k) The third separate violation of this section  
12 constitutes cause for the revocation or suspension of a facility's  
13 license, permit, registration, certificate, or other authority or  
14 for other disciplinary action against the facility by the  
15 department.

16 SECTION 2. Not later than January 1, 2018:

17 (1) the Department of State Health Services shall:  
18 (A) develop the reporting forms required by  
19 Section 171.006, Health and Safety Code, as added by this Act; and  
20 (B) if duplicate reporting requirements exist  
21 under state law, consolidate the reported information into a single  
22 form; and

23 (2) the executive commissioner of the Health and Human  
24 Services Commission shall adopt the rules necessary to implement  
25 Section 171.006, Health and Safety Code, as added by this Act.

26 SECTION 3. This Act takes effect September 1, 2017.