

## **BILL ANALYSIS**

Senate Research Center  
76R4727 DLF-D

S.B. 468  
By: Harris  
Human Services  
3/3/1999  
Committee Report (Amended)

### **DIGEST**

Currently, the Texas Department of Health is authorized to impose administrative penalties and revoke or suspend licenses of abortion facilities in emergency situations. Section 245.004, Health and Safety Code, provides exemptions from licensure for a hospital currently licensed under the Texas Hospital Licensing Law, and the office of a physician licensed under the Medical Practice Act unless the office is used primarily for the purpose of performing abortions. In 1997, 15,115 of the 83,340 abortions performed in Texas were performed by 15 physicians not licensed under Chapter 245, Health and Safety Code. This bill would require physicians currently exempt from licensure requirements to comply with the requirements under Chapter 245, Health and Safety Code.

### **PURPOSE**

As proposed, S.B. 468 provides licensing requirements for certain persons providing abortion services.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 245.004, Health and Safety Code, to include among those facilities that need not be licensed under this chapter, a licensed physician's office under the Medical Practice Act (Article 4495b, V.T.C.S.), unless 300 or more abortion procedures are performed in the office in a year, rather than is used primarily for the purposes of performing abortions.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Provides that a physician's office that is exempt from the licensing requirement of Chapter 245, Health and Safety Code, under Section 245.004, Health and Safety Code, as it existed immediately before the effective date of this Act, but that is required to be licensed under Section 245.004, Health and Safety Code, as amended by this Act, is not required to be licensed before January 1, 2000.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 245.004, Health and Safety Code, to provide that a physician's office under the Medical Practice Act that performs 300, rather than 10, abortions or more is not exempt for the licensing requirements under this chapter.