

BILL ANALYSIS

Senate Research Center
81R4864 JSC-F

S.B. 527
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a mammography facility that fails a certification standards inspection and the failure is a Severity Level I violation is required to notify all patients on whom the facility performed a mammography during the 30 days preceding the date of the inspection. The facility notification must include a recommendation to seek another mammogram at another facility. Facilities often have violations that have been occurring for longer than 30 days prior to inspection.

As proposed, S.B. 527 requires notification to each patient on whom a facility performed a mammogram during the period that the mammography system failed to meet standards. This bill also requires the facility recommend that patients consult with their physician regarding the need for another mammogram and provide patients with a list of the three closest facilities that have a certified mammography system.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.430(f), Health and Safety Code, as follows:

(f) Requires a facility, if the facility's mammography system fails to meet Department of State Health Services (DSHS) certification standards and the failure is a Severity Level I violation under DSHS rules, to notify each patient on whom the facility performed a mammography during the period in which the system failed to meet DSHS's certification standards. Requires the facility to inform the patient that the mammography system failed to satisfy DSHS's certification standards; recommend that the patient consult with the patient's physician regarding the need for another mammogram; and list the three facilities closest to the original testing facility that have a certified mammography system. Deletes existing text requiring the facility to notify each patient on whom the facility performed a mammography during the 30 days preceding the date of the inspection that revealed the failure, and recommending that the patient have another mammogram performed at a facility with a certified mammography system.

SECTION 2. Effective date: September 1, 2009.