

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 537  
By: Deuell et al.  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 1992, the Supreme Court ruled in *Casey v. Planned Parenthood* that states have the right to regulate abortion clinics. In 1997, Texas enforced increased regulations; however, today 38 licensed abortion facilities still operate at a second, lower standard for the most common surgical procedure in Texas performed solely on women. Six Texas abortion facilities meet the standard as ambulatory surgical facilities.

In medical practice, Medicare is the national standard for insurance reimbursement. Abortion is an all cash (or limited credit card) business, so abortion facilities have not been subject to the same oversight as other surgical facilities.

Moving abortion clinics under the guidelines for ambulatory surgical centers will provide Texas women choosing abortion the highest standard of health care. Texas allows no other procedure to opt out of the accepted standard of care.

Miscarriages are excluded from the definition of abortion as defined in Section 245.002 of the Texas Health and Safety Code.

Physicians' offices and clinics performing less than 50 abortions in any 12-month period are excluded by Section 245.004 (Exemptions from Licensing Requirement) of the Texas Health and Safety Code.

As proposed, S.B. 537 amends current law relating to minimum standards for abortion facilities.

[**Note:** While the statutory reference in this bill is to the Texas Board of Health, the following amendments affect the executive commissioner of the Health and Human Services Commission, as the successor agency to the Texas Board of Health.]

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Board of Health is transferred to the executive commissioner of the Health and Human Services Commission and modified in SECTION 1 (Section 245.010, Health and Safety Code) and SECTION 3 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 245.010(a), Health and Safety Code, as follows:

(a) Requires that the rules required to be adopted by the Texas Board of Health contain minimum standards to protect the health and safety of a patient of an abortion facility and contain provisions requiring compliance with the requirements of Subchapter B (Informed Consent), Chapter 171. Requires that the minimum standards for an abortion facility, on or after September 1, 2014, be equivalent to the minimum standards adopted under Section 243.010 (Minimum Standards) for ambulatory surgical centers.

SECTION 2. Repealer, effective September 1, 2014: Section 245.010(c) (relating to prohibiting standards from being more stringent than Medicare certification standards, if any, for qualifications for professional and nonprofessional personnel, supervision of professional and

nonprofessional personnel, certain medical treatment and medical services and coordination of treatment and services, sanitary and hygienic conditions within an abortion facility, certain equipment, clinical records kept by an abortion facility, and management, ownership, and control of the facility), Health and Safety Code.

SECTION 3. (a) Requires the executive commissioner of the Health and Human Services Commission to adopt the standards required by Section 245.010 (Minimum Standards), Health and Safety Code, as amended by this Act, not later than January 1, 2014.

(b) Provides that a facility licensed under Chapter 245 (Abortion Facilities), Health and Safety Code, is not required to comply with the standards adopted under Section 245.010, Health and Safety Code, as amended by this Act, before September 1, 2014.

SECTION 4. Effective date: upon passage or September 1, 2013.