

## **BILL ANALYSIS**

Senate Research Center  
85R23013 SCL-F

C.S.S.B. 1602  
By: Campbell; Perry  
Health & Human Services  
4/20/2017  
Committee Report (Substituted)

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

If a patient suffers a complication from an abortion, the patient often returns to the clinic where the procedure took place or may pursue treatment at another medical facility. The Texas Health and Safety Code requires health care facilities to report surgical site infections and complications from various procedures in order to track the standard of care. However, there are no current specific reporting requirements in statute for complications resulting from an abortion. S.B. 1602 requires that certain health care facilities report complications from abortions and requires the Department of State Health Services to publish this data in an annual report.

S.B. 1602 amends Chapter 171, Health and Safety Code, to include the reporting of relevant medical information related to abortion complications. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1602 amends current law relating to reporting requirements by certain health care facilities for abortion complications and authorizes a civil penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 171, Health and Safety Code, by adding Section 171.006, as follows:

Sec. 171.006. ABORTION COMPLICATION REPORTING REQUIREMENTS; CIVIL PENALTY. (a) Defines "abortion complication."

(b) Provides that the reporting requirements of this section apply only to a health care facility that is a hospital, abortion facility, freestanding emergency medical care facility, or health care facility that provides emergency medical care, as defined by Section 773.003 (Definitions).

(c) Requires each facility described by Subsection (b) to submit to the Department of State Health Services (DSHS) in the form and manner prescribed by DSHS rule a quarterly report on each abortion complication diagnosed or treated at the facility.

(d) Requires DSHS to develop a form for reporting an abortion complication under Subsection (c) and publish the form on DSHS's Internet website.

(e) Prohibits a report under this section from identifying by any means the physician performing an abortion or the patient.

(f) Requires that a report under this section identify the name and type of facility submitting the report and include, if known, for each abortion complication certain information.

(g) Provides that, except as provided by Section 245.023 (Public Information; Toll-Free Telephone Number), all information and records held by DSHS under this section are confidential and are not open records for the purposes of Chapter 552 (Public Information), Government Code. Prohibits that information from being released or made public on subpoena or otherwise, except that release may be made in certain circumstances.

(h) Requires that a report submitted under this section meet the federal reporting requirements that mandate the most specific, accurate, and complete coding and reporting for the highest level of specificity.

(i) Requires DSHS to develop and publish on DSHS's Internet website an annual report that aggregates on a statewide basis each abortion complication required to be reported under Subsection (f) for the previous calendar year.

(j) Provides that a facility that violates this section is subject to a civil penalty of \$500 for each violation. Authorizes the Texas attorney general, at the request of DSHS, to file an action to recover a civil penalty assessed under this subsection and to recover attorney's fees and costs incurred in bringing the action.

(k) Provides that a third separate violation of this section constitutes cause for the revocation or suspension of the facility's license, permit, registration, certificate, or other authority or for other disciplinary action against the facility by DSHS.

SECTION 2. Requires DSHS, not later than January 1, 2018, to develop the forms required by Section 171.006, Health and Safety Code, as added by this Act, and if duplicate reporting requirements exist under state law, consolidate the reported information into a single form and requires the executive commissioner of the Health and Human Services Commission, not later than January 1, 2018, to adopt the rules necessary to implement Section 171.006, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2017.