

BILL ANALYSIS

Senate Research Center

H.B. 1719
By: Eiland (Van de Putte)
Health & Human Services
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Engrossed

DIGEST AND PURPOSE

Some hospitals and health care providers ban the use of recording devices in the delivery room during the birth of a child. A growing number of hospitals and doctors, fearing that videotapes can provide evidence against them in malpractice suits, have banned cameras from delivery rooms. H.B. 1719 prohibits a health care provider, hospital, or birthing center from prohibiting a person from using a recording device to record the delivery of a child.

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 Title 2H, Health and Safety Code, by adding Chapter 168, as follows:

CHAPTER 168. RECORDING THE DELIVERY OF A CHILD

Sec. 168.001. DEFINITIONS. Defines “health care provider” and “recording device.”

Sec. 168.002. BANNING RECORDING PROHIBITED. Prohibits a health care provider (provider), hospital, or birthing center from prohibiting a person from using a recording device to record the delivery of a child. Authorizes the provider, hospital, or birthing center to adopt rules, plans, and procedures governing the use of recording devices during the delivery of a child, including rules, plans, and procedures governing the exact placement of the recording device within the room in which the delivery takes place. Requires the provider, hospital, or birthing center to provide the rules, plans, and procedures adopted under this section in writing to the person who will be delivering the child prior to the date of the delivery.

Sec. 168.003. ENFORCEMENT. Provides that a violation of this chapter by a provider, hospital, or birthing center is subject to the same consequence as a violation of the licensing law applicable to the health care provider, hospital, or birthing center or of a rule adopted under that licensing law.

SECTION 2. Effective date: September 1, 2001.