

## **BILL ANALYSIS**

Senate Research Center  
80R5323 JTS-D

S.B. 762  
By: Nelson  
Health & Human Services  
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As Filed

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

Current statutes require notification of patients who were examined during the 30-day period preceding a mammography facility inspection violation. Often, these patients were not affected by the violation.

As proposed, S.B. 762 seeks to amend this provision by notifying any patient affected by the violation, rather than all those examined during the 30-day period preceding the facility inspection. In addition, this bill requires financial assurance for the storage and maintenance of mammography medical records if such records are abandoned by the facility.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of State Health Services in SECTION 1 (Section 401.4261, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

SECTION 1. Amends Subchapter L, Chapter 401, Health and Safety Code, by adding Section 401.4261, as follows:

Sec. 401.4261. SECURITY. (a) Authorizes the Texas Department of Health (TDH) to require a person who holds a certification to provide security to assure performance of the person's obligations related to storing and maintaining mammography records as required by this subchapter and TDH rule.

(b) Requires TDH to deposit the security to the credit of the perpetual care account.

(c) Requires TDH by rule to determine the amount and type of security required under this section in accordance with reasonable estimates of the costs of storage and maintenance of mammography records in a manner that protects the public health and safety.

SECTION 2. Amends Section 401.430(f), Health and Safety Code, to authorize TDH, if, as a result of an inspection, TDH determines that a facility's mammography system fails to meet the TDH's certification standards and the quality of mammography produced by that system creates a serious risk to public health, to require that the facility notify each patient affected. Requires the facility to recommend that the patient consult with the patient's physician regarding the need for another mammogram. Deletes existing text relating to the current practices of mammography inspection.

SECTION 3. Effective date: September 1, 2007.