

By Senator Cowin

11-1202-02

See HB

1                                   A bill to be entitled

2           An act relating to termination of pregnancies;

3           amending s. 390.0112, F.S.; revising

4           requirements for reporting by medical directors

5           and physicians of terminations of pregnancies;

6           providing a penalty; providing for disciplinary

7           action for successive failures to report;

8           amending s. 390.012, F.S.; revising

9           requirements for rules of the Agency for Health

10          Care Administration relating to abortions

11          performed in abortion clinics; providing for

12          rules regarding abortions performed after the

13          first trimester of pregnancy; requiring

14          abortion clinics to develop policies to protect

15          the health, care, and treatment of patients;

16          providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Section 390.0112, Florida Statutes, is

21 amended to read:

22           390.0112 Termination of pregnancies; reporting.--

23           (1) The director of any medical facility in which any

24 pregnancy is terminated shall submit a ~~monthly~~ report to the

25 agency following each termination, on a form developed by the

26 agency. The report shall contain information regarding each

27 category reported in the Centers for Disease Control and

28 Prevention Surveillance Summary on Abortion ~~which contains the~~

29 ~~number of procedures performed, the reason for same, and the~~

30 ~~period of gestation at the time such procedures were performed~~

31 ~~to the agency.~~ The agency shall be responsible for keeping

1 such reports in a central place from which statistical data  
2 and analysis can be made.

3 (2) If the termination of pregnancy is not performed  
4 in a medical facility, the physician performing the procedure  
5 shall be responsible for reporting such information as  
6 required in subsection (1).

7 (3) Reports submitted pursuant to this section shall  
8 be confidential and exempt from the provisions of s. 119.07(1)  
9 and shall not be revealed except upon the order of a court of  
10 competent jurisdiction in a civil or criminal proceeding.

11 (4) Any person required under this section to file a  
12 report or keep any records who willfully fails to file such  
13 report or keep such records may be subject to a \$200 fine for  
14 each violation. The agency shall be required to impose such  
15 fines when reports or records required under this section have  
16 not been timely received. For purposes of this section,  
17 "timely received" means received within ~~is defined as~~ 30 days  
18 following the procedure. Upon successive failures to file, the  
19 licensee shall be subject to disciplinary action by the  
20 licensing authority ~~preceding month.~~

21 Section 2. Subsection (1) of section 390.012, Florida  
22 Statutes, is amended to read:

23 390.012 Powers of agency; rules; disposal of fetal  
24 remains.--

25 (1) The agency shall have the authority to develop and  
26 enforce rules for the health, care, and treatment of persons  
27 in abortion clinics and for the safe operation of such  
28 clinics. For clinics that perform abortions in the first  
29 trimester of pregnancy only, the ~~These~~ rules shall be  
30 comparable to rules that ~~which~~ apply to all surgical  
31 procedures requiring approximately the same degree of skill

1 and care as the performance of first trimester abortions. For  
2 clinics that perform or claim to perform abortions after the  
3 first trimester of pregnancy, the rules shall be comparable to  
4 rules that apply to all surgical procedures requiring  
5 approximately the same degree of skill and care as the  
6 performance of abortions after the first trimester.The rules  
7 shall be reasonably related to the preservation of maternal  
8 health of the clients. The rules shall be in accordance with  
9 s. 797.03 and shall not impose an unconstitutional ~~a legally~~  
10 ~~significant~~ burden on a woman's freedom to decide whether to  
11 terminate her pregnancy. The rules shall provide for:

12 (a) The performance of pregnancy termination  
13 procedures only by a licensed physician. Abortion clinics  
14 shall develop, promulgate, and enforce policies to protect the  
15 health, care, and treatment of patients, including policies  
16 relating to obtaining the informed consent of the patient and  
17 to postoperative care of patients suffering complications from  
18 an abortion.

19 (b) The making, protection, and preservation of  
20 patient records, which shall be treated as medical records  
21 under chapter 458.

22 Section 3. This act shall take effect July 1, 2002.  
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HOUSE SUMMARY

Revises information required from a physician or a facility medical director reporting terminations of pregnancies. Requires such reports to be filed after each procedure, rather than monthly. Provides a penalty. Provides for disciplinary action by the licensing authority for successive failures to report. Specifies that Agency for Health Care Administration rules relating to abortions performed in abortion clinics must be in accordance with current statutes that stipulate prohibited acts relating to abortions and must not impose an unconstitutional burden on the woman's freedom to decide whether to have an abortion. Provides for agency rules regarding abortions performed after the first trimester of pregnancy. Requires abortion clinics to develop policies to protect the health, care, and treatment of patients.