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CHAMBER ACTION

Senate

House

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Floor: 4/WD/2R
4/29/2008 10:34 AM

1 Senator Webster moved the following substitute for amendment
2 (343562) :

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4 Senate Amendment (with title amendment)

5 Delete lines 115 through 175
6 and insert:

7 Section 2. Subsection (1) and paragraph (d) of subsection
8 (3) of section 390.012, Florida Statutes, are amended to read:

9 390.012 Powers of agency; rules; disposal of fetal
10 remains.--

11 (1) The agency may develop and enforce rules pursuant to
12 ss. 390.011-390.018 ~~390.001-390.018~~ and part II of chapter 408
13 for the health, care, and treatment of persons in abortion
14 clinics and for the safe operation of such clinics.

15 (a) The rules shall be reasonably related to the
16 preservation of maternal health of the clients.



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17 (b) The rules shall be in accordance with s. 797.03 and may
18 not impose an unconstitutional burden on a woman's freedom to
19 decide whether to terminate her pregnancy.

20 (c) The rules shall provide for:

21 1. The performance of pregnancy termination procedures only
22 by a licensed physician.

23 2. The making, protection, and preservation of patient
24 records, which shall be treated as medical records under chapter
25 458.

26 (3) For clinics that perform or claim to perform abortions
27 after the first trimester of pregnancy, the agency shall adopt
28 rules pursuant to ss. 120.536(1) and 120.54 to implement the
29 provisions of this chapter, including the following:

30 (d) Rules relating to the medical screening and evaluation
31 of each abortion clinic patient. At a minimum, these rules shall
32 require:

33 1. A medical history including reported allergies to
34 medications, antiseptic solutions, or latex; past surgeries; and
35 an obstetric and gynecological history.

36 2. A physical examination, including a bimanual examination
37 estimating uterine size and palpation of the adnexa.

38 3. The appropriate laboratory tests, including:

39 ~~a. For an abortion in which an ultrasound examination is~~
40 ~~not performed before the abortion procedure,~~ Urine or blood tests
41 for pregnancy performed before the abortion procedure.

42 b. A test for anemia.

43 c. Rh typing, unless reliable written documentation of
44 blood type is available.

45 d. Other tests as indicated from the physical examination.



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46 4. An ultrasound evaluation for all patients ~~who elect to~~
 47 ~~have an abortion after the first trimester.~~ The rules shall
 48 require that if a person who is not a physician performs an
 49 ultrasound examination, that person shall have documented
 50 evidence that he or she has completed a course in the operation
 51 of ultrasound equipment as prescribed in rule. The physician,
 52 registered nurse, licensed practical nurse, advanced registered
 53 nurse practitioner, or physician assistant shall review and
 54 explain ~~, at the request of the patient,~~ the live ultrasound
 55 images ~~evaluation results,~~ including an estimate of the probable
 56 gestational age of the fetus, with the patient before the
 57 abortion procedure is performed, unless the patient declines
 58 pursuant to s. 390.0111. If the patient declines to view the live
 59 ultrasound images, the rules shall require that s. 390.0111 be
 60 complied with in all other respects.

61 5. That the physician is responsible for estimating the
 62 gestational age of the fetus based on the ultrasound examination
 63 and obstetric standards in keeping with established standards of
 64 care regarding the estimation of fetal age as defined in rule and
 65 shall write the estimate in the patient's medical history. The
 66 physician shall keep original prints of each ultrasound
 67 examination of a patient in the patient's medical history file.

68
 69 ===== T I T L E A M E N D M E N T =====

70 And the title is amended as follows:

71
 72 Delete lines 15 through 21
 73 and insert:
 74 revising requirements for written materials; amending s.
 75 390.012, F.S.; conforming cross-references; requiring



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76 | ultrasounds for all patients; requiring that live
77 | ultrasound images be reviewed and explained to the
78 | patient; requiring that all other provisions in s.
79 | 390.0111, F.S., be complied with if the patient declines
80 | to view her live ultrasound images; providing for