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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
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	.	

The Committee on Health Regulation (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 47 - 173
and insert:

(I) The ultrasound must be performed by the physician who is to perform the abortion or by a person having documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed by rule and who is working in conjunction with the physician.

(II) The person performing the ultrasound must allow the woman to view the live ultrasound images, and a physician or a registered nurse, licensed practical nurse, advanced registered



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13 nurse practitioner, or physician assistant working in
14 conjunction with the physician must contemporaneously review and
15 explain the live ultrasound images to the woman before the woman
16 gives informed consent to having an abortion procedure
17 performed. However, this sub-sub-subparagraph does not apply if,
18 at the time the woman schedules or arrives for her appointment
19 to obtain an abortion, a copy of a restraining order, police
20 report, medical record, or other court order or documentation is
21 presented which provides evidence that the woman is obtaining
22 the abortion because the woman is a victim of rape, incest,
23 domestic violence, or human trafficking or that the woman has
24 been diagnosed as having a condition that, on the basis of a
25 physician's good faith clinical judgment, would create a serious
26 risk of substantial and irreversible impairment of a major
27 bodily function if the woman delayed terminating her pregnancy.

28 (III) The woman has a right to decline to view the
29 ultrasound images after she is informed of her right and offered
30 an opportunity to view them. If the woman declines to view the
31 ultrasound images, the woman shall complete a form acknowledging
32 that she was offered an opportunity to view her ultrasound but
33 that she rejected that opportunity. The form must also indicate
34 that the woman's decision not to view the ultrasound was not
35 based on any undue influence from any third party to discourage
36 her from viewing the images and that she declined to view the
37 images of her own free will.

38 c. The medical risks to the woman and fetus of carrying the
39 pregnancy to term.

40 2. Printed materials prepared and provided by the
41 department have been provided to the pregnant woman, if she



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42 chooses to view these materials, including:

43 a. A description of the fetus, including a description of
44 the various stages of development.

45 b. A list of entities ~~agencies~~ that offer alternatives to
46 terminating the pregnancy.

47 c. Detailed information on the availability of medical
48 assistance benefits for prenatal care, childbirth, and neonatal
49 care.

50 3. The woman acknowledges in writing, before the
51 termination of pregnancy, that the information required to be
52 provided under this subsection has been provided.

53
54 Nothing in this paragraph is intended to prohibit a physician
55 from providing any additional information which the physician
56 deems material to the woman's informed decision to terminate her
57 pregnancy.

58 (b) If ~~In the event~~ a medical emergency exists and a
59 physician cannot comply with the requirements for informed
60 consent, a physician may terminate a pregnancy if he or she has
61 obtained at least one corroborative medical opinion attesting to
62 the medical necessity for emergency medical procedures and to
63 the fact that to a reasonable degree of medical certainty the
64 continuation of the pregnancy would threaten the life of the
65 pregnant woman. If a ~~In the event no~~ second physician is not
66 available for a corroborating opinion, the physician may proceed
67 but shall document reasons for the medical necessity in the
68 patient's medical records.

69 (c) Violation of this subsection by a physician constitutes
70 grounds for disciplinary action under s. 458.331 or s. 459.015.



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71 Substantial compliance or reasonable belief that complying with
72 the requirements of informed consent would threaten the life or
73 health of the patient is a defense to any action brought under
74 this paragraph.

75 Section 2. Paragraph (d) of subsection (3) of section
76 390.012, Florida Statutes, is amended to read:

77 390.012 Powers of agency; rules; disposal of fetal
78 remains.—

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

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

86 1. A medical history including reported allergies to
87 medications, antiseptic solutions, or latex; past surgeries; and
88 an obstetric and gynecological history.

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

91 3. The appropriate laboratory tests, including:

92 a. ~~For an abortion in which an ultrasound examination is~~
93 ~~not performed before the abortion procedure,~~ Urine or blood
94 tests for pregnancy performed before the abortion procedure.

95 b. A test for anemia.

96 c. Rh typing, unless reliable written documentation of
97 blood type is available.

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

99 4. An ultrasound evaluation for all patients ~~who elect to~~



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100 ~~have an abortion after the first trimester.~~ The rules shall
101 require that if a person who is not a physician performs an
102 ultrasound examination, that person shall have documented
103 evidence that he or she has completed a course in the operation
104 of ultrasound equipment as prescribed in rule. The physician,
105 registered nurse, licensed practical nurse, advanced registered
106 nurse practitioner, or physician assistant shall review and
107 explain, ~~at the request of the patient,~~ the live ultrasound
108 images ~~evaluation results,~~ including an estimate of the probable
109 gestational age of the fetus, with the patient before the
110 abortion procedure is performed, unless the patient declines
111 pursuant to s. 390.0111. If the patient declines to view the
112 live ultrasound images, the rules shall require that s. 390.0111
113 be complied with in all other respects.

114 5. That the physician is responsible for estimating the
115 gestational age of the fetus based on the ultrasound examination
116 and obstetric standards in keeping with established standards of
117 care regarding the estimation of fetal age as defined in rule
118 and shall write the estimate in the patient's medical history.
119 The physician shall keep original prints of each ultrasound
120 examination of a patient in the patient's medical history file.
121

122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete lines 3 - 22

125 and insert:

126 F.S.; requiring that an ultrasound be performed on a
127 woman obtaining an abortion; specifying who must
128 perform an ultrasound; requiring that the ultrasound



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129 be reviewed with the patient before the woman gives
130 informed consent for the abortion procedure;
131 specifying who must review the ultrasound with the
132 patient; requiring that the woman certify in writing
133 that she declined to review the ultrasound and did so
134 of her own free will and without undue influence;
135 providing an exemption from the requirement to view
136 the ultrasound for women who are the victims of rape,
137 incest, domestic violence, or human trafficking or for
138 women who have a serious medical condition
139 necessitating the abortion; revising requirements for
140 written materials; amending s. 390.012, F.S.;
141 requiring an ultrasound for all patients regardless of
142 when the abortion is performed; requiring that live
143 ultrasound images be reviewed and explained to the
144 patient; requiring that all other provisions in s.
145 390.0111, F.S., be complied with if the patient
146 declines to view her live ultrasound images; providing