



HB 633, Engrossed 1

2015

1 A bill to be entitled
2 An act relating to informed patient consent; amending
3 s. 390.0111, F.S.; revising conditions for the
4 voluntary and informed consent to a termination of
5 pregnancy; reenacting s. 390.012(3)(d), F.S., relating
6 to Agency for Health Care Administration rules
7 regarding medical screening and evaluation of abortion
8 clinic patients, to incorporate the amendment made by
9 this act to s. 390.0111, F.S., in a reference thereto;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (a) of subsection (3) of section
15 390.0111, Florida Statutes, is amended to read:

16 390.0111 Termination of pregnancies.—

17 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
18 be performed or induced except with the voluntary and informed
19 written consent of the pregnant woman or, in the case of a
20 mental incompetent, the voluntary and informed written consent
21 of her court-appointed guardian.

22 (a) Except in the case of a medical emergency, consent to
23 a termination of pregnancy is voluntary and informed only if:

24 1. The physician who is to perform the procedure, or the
25 referring physician, has, at a minimum, orally, while physically
26 present in the same room, and at least 24 hours before the



27 procedure ~~in person~~, informed the woman of:

28 a. The nature and risks of undergoing or not undergoing
29 the proposed procedure that a reasonable patient would consider
30 material to making a knowing and willful decision of whether to
31 terminate a pregnancy.

32 b. The probable gestational age of the fetus, verified by
33 an ultrasound, at the time the termination of pregnancy is to be
34 performed.

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

40 (II) The person performing the ultrasound must offer the
41 woman the opportunity to view the live ultrasound images and
42 hear an explanation of them. If the woman accepts the
43 opportunity to view the images and hear the explanation, a
44 physician or a registered nurse, licensed practical nurse,
45 advanced registered nurse practitioner, or physician assistant
46 working in conjunction with the physician must contemporaneously
47 review and explain the images to the woman before the woman
48 gives informed consent to having an abortion procedure
49 performed.

50 (III) The woman has a right to decline to view and hear
51 the explanation of the live ultrasound images after she is
52 informed of her right and offered an opportunity to view the



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53 images and hear the explanation. If the woman declines, the
54 woman shall complete a form acknowledging that she was offered
55 an opportunity to view and hear the explanation of the images
56 but that she declined that opportunity. The form must also
57 indicate that the woman's decision was not based on any undue
58 influence from any person to discourage her from viewing the
59 images or hearing the explanation and that she declined of her
60 own free will.

61 (IV) Unless requested by the woman, the person performing
62 the ultrasound may not offer the opportunity to view the images
63 and hear the explanation and the explanation may not be given
64 if, at the time the woman schedules or arrives for her
65 appointment to obtain an abortion, a copy of a restraining
66 order, police report, medical record, or other court order or
67 documentation is presented which provides evidence that the
68 woman is obtaining the abortion because the woman is a victim of
69 rape, incest, domestic violence, or human trafficking or that
70 the woman has been diagnosed as having a condition that, on the
71 basis of a physician's good faith clinical judgment, would
72 create a serious risk of substantial and irreversible impairment
73 of a major bodily function if the woman delayed terminating her
74 pregnancy.

75 c. The medical risks to the woman and fetus of carrying
76 the pregnancy to term.

77
78 The physician may provide the information required in this



79 subparagraph within 24 hours before the procedure if requested
80 by the woman at the time she schedules or arrives for her
81 appointment to obtain an abortion and if she presents to the
82 physician a copy of a restraining order, police report, medical
83 record, or other court order or documentation evidencing that
84 she is obtaining the abortion because she is a victim of rape,
85 incest, domestic violence, or human trafficking.

86 2. Printed materials prepared and provided by the
87 department have been provided to the pregnant woman, if she
88 chooses to view these materials, including:

89 a. A description of the fetus, including a description of
90 the various stages of development.

91 b. A list of entities that offer alternatives to
92 terminating the pregnancy.

93 c. Detailed information on the availability of medical
94 assistance benefits for prenatal care, childbirth, and neonatal
95 care.

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

99
100 Nothing in this paragraph is intended to prohibit a physician
101 from providing any additional information which the physician
102 deems material to the woman's informed decision to terminate her
103 pregnancy.

104 Section 2. For the purpose of incorporating the amendment



105 made by this act to section 390.0111, Florida Statutes, in a
106 reference thereto, paragraph (d) of subsection (3) of section
107 390.012, Florida Statutes, is reenacted to read:

108 390.012 Powers of agency; rules; disposal of fetal
109 remains.—

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

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

117 1. A medical history including reported allergies to
118 medications, antiseptic solutions, or latex; past surgeries; and
119 an obstetric and gynecological history.

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

122 3. The appropriate laboratory tests, including:

123 a. Urine or blood tests for pregnancy performed before the
124 abortion procedure.

125 b. A test for anemia.

126 c. Rh typing, unless reliable written documentation of
127 blood type is available.

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

129 4. An ultrasound evaluation for all patients. The rules
130 shall require that if a person who is not a physician performs



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131 an ultrasound examination, that person shall have documented
132 evidence that he or she has completed a course in the operation
133 of ultrasound equipment as prescribed in rule. The rules shall
134 require clinics to be in compliance with s. 390.0111.

135 5. That the physician is responsible for estimating the
136 gestational age of the fetus based on the ultrasound examination
137 and obstetric standards in keeping with established standards of
138 care regarding the estimation of fetal age as defined in rule
139 and shall write the estimate in the patient's medical history.
140 The physician shall keep original prints of each ultrasound
141 examination of a patient in the patient's medical history file.

142 Section 3. This act shall take effect July 1, 2015.