



# Senate Public Health and Welfare Committee

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## Summary SB 732 PN 738

This legislation creates the Department of Health Abortion Facility Oversight Act to enhance and clarify the Department of Health's responsibility for regulating abortion facilities.

In order to operate, each abortion facility must submit an application and undergo an inspection by the department. If the facility is found in compliance, it shall be registered with the department and issued a certificate which indicates:

1. The name of the facility;
2. Compliance with statutory and regulatory requirements;
3. The term of the certificate; and
4. The name and signature of the inspector as well as the date of the inspection.

Certificates may not be for a term of more than one year and are nontransferable. They must be prominently displayed where they are visible to patients.

The department is given the authority to conduct announced or unannounced inspections and enter any abortion facility that either holds a certificate or is seeking to operate. Inspectors must be given full and free access to the premises, records and employees of the facility. The department is required to inspect, within 72 hours, any facility in which a serious event is reported. Inspection reports and plans of correction shall be posted on the Internet and searchable by the public.

If the department discovers any violations of statute or regulations, including gross incompetence, negligence or misconduct in the operation of the facility, they are required to give written notice to the abortion facility. Facilities must prepare a plan of correction within ten days of the notification. The department may deny certification or renewal of a certification until a violation is corrected. They may also immediately revoke a certification if patients are in immediate danger. Administrative penalties may be assessed.

A formal complaint process is established in the department which must include a toll-free number, the ability to file a complaint electronically, an intake system and protocols for receipt of written letters and verbal complaints as well as a tracking system. Complaints received pertaining to licensed individuals under the jurisdiction of the Bureau of Professional and Occupational Affairs in the Department of State must be reported to the appropriate licensing board as soon as possible but no less than 24 hours after receipt.

The bill provides for confidentiality and directs the department to promulgate regulations to implement the act. Existing regulations which are not inconsistent will remain in effect until they are amended by the department.

### Effective Dates

Section 2, section 10 and section 11 take effect immediately.

Section 6 takes effect 60 days after publication of the licensure process by the Legislative Reference Bureau.

All other sections take effect after 60 days.

**Amendment A01671**

- Adds a section on legislative findings and declaration of policy
- Changes certification to licensure
- Deletes language requiring an annual unannounced inspection at each facility and replaces it with language permitting unannounced inspections
- Makes it a violation of the act to fail to permit inspectors to enter the facility or to provide access to records.
- Creates a separate subsection for serious events and moves the 72 hour requirement for an inspection due to a report of a serious event to this section.
- Increases the time the Department of Health has to report any complaints pertaining to licensed professionals to the Department of State from 24 hours after receipt to 72 hours after receipt.
- Makes other technical and clarifying changes