

1 ENGROSSED SENATE
2 BILL NO. 1848

By: Treat and Newberry of the
Senate

3 and

4 Grau and Christian of the
5 House

6
7 [public health - standards - certain training for
8 physicians, physician assistants, and volunteers -
9 abortion - codification - effective date]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-748 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The State Board of Health shall establish abortion facility
15 supplies and equipment standards, including equipment required to be
16 immediately available for use in an emergency. Such standards
17 shall, at a minimum:

18 1. Specify required equipment and supplies, including
19 medications, required for the performance of abortion procedures and
20 for monitoring the progress of each patient throughout the abortion
21 procedure and post-procedure recovery period;

22 2. Require that the number or amount of equipment and supplies
23 at the facility is adequate at all times to assure sufficient
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quantities of clean and sterilized durable equipment and supplies to meet the needs of each patient;

3. Specify the mandated equipment and supplies for required laboratory tests and the requirements for protocols to calibrate and maintain laboratory equipment at the abortion facility or operated by facility staff;

4. Require ultrasound equipment in all abortion facilities; and

5. Require that all equipment is safe for the patient and facility staff, meets applicable federal standards, and is checked annually to ensure safety and appropriate calibration.

B. On any day when any abortion is performed in a facility providing abortions, a physician with admitting privileges at an accredited hospital in this state within thirty (30) miles of where the abortion is being performed must remain on the premises of the facility to facilitate the transfer of emergency cases if hospitalization of an abortion patient or a child born alive is necessary and until all abortion patients are stable and ready to leave the recovery room.

C. The State Board of Health shall adopt standards relating to the training physician assistants licensed pursuant to the provisions of Section 519.1 of Title 59 of the Oklahoma Statutes and employed by or providing services in a facility providing abortions shall receive in counseling, patient advocacy, and the specific medical and other services.

1 D. The State Board of Health shall adopt standards related to
2 the training that volunteers at facilities providing abortions shall
3 receive in the specific services that the volunteers provide,
4 including counseling and patient advocacy.

5 E. The State Board of Health shall adopt standards related to
6 the medical screening and evaluation of each abortion patient. At
7 minimum these standards shall require:

8 1. A medical history including the following:

- 9 a. reported allergies to medications, antiseptic
10 solutions, and latex,
- 11 b. obstetric and gynecological history,
- 12 c. past surgeries, and
- 13 d. medication the patient is currently taking.

14 2. A physical examination including a bimanual examination
15 estimating uterine size and palpation of the adnexa;

16 3. The appropriate pre-procedure testing including:

- 17 a. urine or blood tests for pregnancy, if ordered by a
18 physician,
- 19 b. a test for anemia,
- 20 c. Rh typing, unless reliable written documentation of
21 blood type is available, and
- 22 d. an ultrasound evaluation for all patients who elect to
23 have an abortion. The physician performing the
24 abortion is responsible for estimating the gestational

1 age of the unborn child based on the ultrasound
2 examination and established standards of obstetrical
3 care and shall write the estimate in the patient's
4 medical record. An original print of each ultrasound
5 examination of the patient shall be kept in the
6 patient's medical record.

7 F. The State Board of Health shall adopt standards related to
8 the performance of the abortion procedure and post-procedure follow-
9 up care. At minimum these standards shall require:

10 1. That medical personnel are available to all abortion
11 patients throughout the procedure;

12 2. The appropriate use of local anesthesia, analgesia, and
13 sedation if ordered by the physician performing the procedure;

14 3. The use of appropriate precautions, such as the
15 establishment of intravenous access;

16 4. That the physician performing the abortion procedure
17 monitors the patient's vital signs and other defined signs and
18 markers of the patient's status throughout the procedure and during
19 the recovery period until the patient's condition is deemed to be
20 stable in the recovery room;

21 5. Immediate post-procedure care and observation in a
22 supervised recovery room for as long as the patient's condition
23 warrants;

1 6. That the facility in which the abortion procedure is
2 performed arranges for a patient's hospitalization if any
3 complication beyond the management capability of the abortion
4 facility's medical staff occurs or is suspected;

5 7. That a licensed health care professional trained in the
6 management of the recovery room and capable of providing
7 cardiopulmonary resuscitation actively monitors patients in the
8 recovery room;

9 8. That there is a specified minimum time that a patient
10 remains in the recovery room by type of abortion procedure and
11 duration of gestation;

12 9. That a physician discusses RhO(D) immune globulin with each
13 patient for whom it is indicated and assures it is offered to the
14 patient in the immediate post-operative period or that it will be
15 available to her within seventy-two (72) hours after completion of
16 the abortion procedure. If the patient refuses, a refusal form
17 approved by the State Board of Health shall be signed by the patient
18 and a witness and included in the medical record;

19 10. Written instructions with regard to post-abortion coitus,
20 signs of possible complications, and general aftercare are given to
21 each patient. Each patient shall have specific instructions
22 regarding access to medical care for complications, including a
23 telephone number to call for medical emergencies;
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1 11. That the physician ensures that a licensed health care
2 professional from the abortion facility makes a good faith effort to
3 contact the patient by phone, with the patient's consent, within
4 twenty-four (24) hours after procedure to assess the patient's
5 recovery;

6 12. Equipment and services are located in the recovery room to
7 provide appropriate emergency and resuscitative life support
8 procedures pending the transfer of the patient or a child born alive
9 in the facility;

10 13. That a post-abortion medical visit shall be offered to each
11 abortion patient and, if requested, scheduled for two (2) to three
12 (3) weeks after the abortion procedure and shall include a medical
13 examination and a review of the results of all laboratory tests; and

14 14. That a urine or blood test shall be obtained at the time of
15 the follow-up visit to rule out continued pregnancy. If a
16 continuing pregnancy is suspected, the patient shall be
17 appropriately evaluated; and a physician who performs abortions
18 shall be consulted.

19 G. Facilities performing abortions shall record each incident
20 resulting in a patient's or a born-alive child's injury occurring at
21 the facility and shall report incidents in writing to the State
22 Board of Health within ten (10) days of the incident. For the
23 purposes of this subsection, "injury" shall mean an injury that
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1 occurs at the facility and creates a serious risk of substantial
2 impairment of a major body organ or function.

3 H. If a patient's death occurs, other than the death of an
4 unborn child properly reported pursuant to law, the facility
5 performing abortions shall report the death to the State Board of
6 Health no later than the next business day.

7 I. Incident reports shall be filed with the State Board of
8 Health and all appropriate professional licensing and regulatory
9 boards, including but not limited to the State Board of Medical
10 Licensure and Supervision and the State Board of Nursing.

11 J. Whoever operates a facility performing abortions without a
12 valid license shall be guilty of a felony. Any person who
13 intentionally, knowingly, or recklessly violates the provisions of
14 this act or any standards adopted by the State Board of Health in
15 accordance with this act shall be guilty of a felony.

16 K. Any violation of this act or any standards adopted under
17 this act may be subject to a civil penalty or fine up to Twenty-five
18 Thousand Dollars (\$25,000.00) imposed by the State Board of Health.
19 Each day of violation constitutes a separate violation for purposes
20 of assessing civil penalties or fines. In deciding whether and to
21 what extent to impose civil penalties or fines, the State Board of
22 Health shall consider the following factors:

1 1. Gravity of the violation including the probability that
2 death or serious physical harm to a patient or individual will
3 result or has resulted;

4 2. Size of the population at risk as a consequence of the
5 violation;

6 3. Severity and scope of the actual or potential harm;

7 4. Extent to which the provisions of the applicable statutes or
8 regulations were violated;

9 5. Any indications of good faith exercised by facility;

10 6. The duration, frequency, and relevance of any previous
11 violations committed by the facility; and

12 7. Financial benefit to the facility of committing or
13 continuing the violation.

14 L. In addition to any other penalty provided by law, whenever
15 in the judgment of the State Commissioner of Health any person has
16 engaged, or is about to engage, in any acts or practices which
17 constitute, or will constitute, a violation of this act, or any
18 standard adopted in accordance with this act, the Commissioner shall
19 make application to any court of competent jurisdiction for an order
20 enjoining such acts and practices. Upon a showing by the
21 Commissioner that such person has engaged, or is about to engage, in
22 any such acts or practices, an injunction, restraining order, or
23 such other order as may be appropriate shall be granted by such
24 court without bond.

SECTION 2. This act shall become effective November 1, 2014.

Passed the Senate the 12th day of March, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2014.

Presiding Officer of the House
of Representatives