

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/19/19

A Bill

SENATE BILL 3

5 By: Senator T. Garner
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE ADDITIONAL REPORTING REQUIREMENTS
9 BY CERTAIN PHYSICIANS AND HEALTHCARE FACILITIES FOR
10 ABORTION COMPLICATIONS; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO REQUIRE ADDITIONAL REPORTING
13 REQUIREMENTS BY CERTAIN PHYSICIANS AND
14 HEALTHCARE FACILITIES FOR ABORTION
15 COMPLICATIONS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 6, is
23 amended to add an additional section to read as follows:

24 20-16-605. Reporting requirements for abortion complications.

25 (a) As used in this section:

26 (1)(A) "Abortion complication" means any harmful event or
27 adverse outcome with respect to a patient related to an abortion that is
28 performed on the patient and that is diagnosed or treated by a physician or
29 at a healthcare facility.

30 (B) "Abortion complication" includes without limitation:

31 (i) Shock;

32 (ii) Uterine perforation;

33 (iii) Cervical laceration;

34 (iv) Hemorrhage;

35 (v) Aspiration or allergic response;

36 (vi) Infection;



1 (vii) Sepsis;
2 (viii) Death;
3 (ix) Incomplete abortion;
4 (x) Damage to the uterus; and
5 (xi) An infant born alive after an abortion
6 procedure; and

7 (2) "Healthcare facility" means a hospital, abortion facility,
8 or healthcare facility that provides emergency medical care.

9 (b) This section applies only to:

10 (1) A physician who:

11 (A) Performs at an abortion facility an abortion that
12 results in an abortion complication diagnosed or treated by the physician; or

13 (B) Diagnoses or treats at an abortion facility an
14 abortion complication that is the result of an abortion performed by another
15 physician at the abortion facility; and

16 (2) A healthcare facility.

17 (c)(1)(A) A physician described under subdivision (b)(1) of this
18 section shall electronically submit to the Department of Health a report on
19 each abortion complication diagnosed or treated by the physician not later
20 than the end of the third business day after the date on which the abortion
21 complication was diagnosed or treated.

22 (B) A healthcare facility described under subdivision
23 (b)(2) of this section shall electronically submit to the department a report
24 on each abortion complication diagnosed or treated by the healthcare facility
25 not later than the thirtieth day after the date on which the abortion
26 complication was diagnosed or treated.

27 (2) The reports described in subdivision (c)(1) of this section
28 shall:

29 (A) Be submitted in the form and manner prescribed by rule
30 of the department;

31 (B) Identify the name of the physician submitting the
32 report or the name and type of healthcare facility submitting the report;

33 (C) Not identify by any means the physician performing the
34 abortion or the patient on whom the abortion was performed;

35 (D) Include the most specific, accurate, and complete
36 reporting for the highest level of specificity; and

1 (E) Include the following information, if known, for each
2 abortion complication:

3 (i) The date of the abortion that caused or may have
4 caused the abortion complication;

5 (ii) The type of abortion that caused or may have
6 caused the abortion complication;

7 (iii) The gestational age of the fetus at the time
8 that the abortion was performed;

9 (iv) The name and type of healthcare facility in
10 which the abortion was performed;

11 (v) The date the abortion complication was diagnosed
12 or treated;

13 (vi) The name and type of any healthcare facility
14 other than the reporting healthcare facility in which the abortion
15 complication was diagnosed or treated;

16 (vii) A description of the abortion complication;

17 (viii) The patient's year of birth, race, marital
18 status, state of residence, and county of residence;

19 (ix) The date of the first day of the patient's last
20 menstrual period that occurred before the date of the abortion that caused or
21 may have caused the abortion complication, if known;

22 (x) The number of previous live births of the
23 patient; and

24 (xi) The number of previous induced abortions of the
25 patient.

26 (3) An event associated with a medical procedure performed after
27 a natural miscarriage, spontaneous abortion, or fetal death is not subject to
28 reporting under this section.

29 (d)(1) The department shall develop and publish on the website of the
30 department an annual report that aggregates on a statewide basis each
31 abortion complication reported under this section.

32 (2) The annual report shall not include any duplicative data.

33 (e)(1) The information and records held by the department under this
34 section are confidential and shall not be disclosed under the Freedom of
35 Information Act of 1967, § 25-19-101 et seq.

36 (2) The information and records shall be released only in the

1 following circumstances:

2 (A) For statistical purposes, but only if a person,
3 patient, or healthcare facility is not identified;

4 (B) With the consent of each person, patient, and
5 healthcare facility identified in the information released;

6 (C) For the purpose of enforcing this section, to medical
7 personnel, appropriate state agencies, county courts, or district courts; or

8 (D) For the purpose of enforcing state licensing laws, to
9 appropriate state licensing boards.

10 (f)(1) A physician or healthcare facility that violates this section
11 is subject to a civil penalty of five hundred dollars (\$500) for each
12 violation.

13 (2) The Attorney General, at the request of the department or
14 appropriate licensing board, may file an action to recover a civil penalty
15 assessed under subdivision (f)(1) of this section and may recover attorney's
16 fees and costs incurred in bringing the civil action.

17 (3) Each day of a continuing violation shall constitute a
18 separate violation.

19 (4) A third separate violation of this section shall constitute
20 grounds for:

21 (A) Revocation or suspension of the physician's or the
22 healthcare facility's license, permit, registration, certificate, or other
23 authority; or

24 (B) Other disciplinary action against the physician or
25 healthcare facility by the appropriate licensing board.

26 (5) The department shall notify the Arkansas State Medical Board
27 of any violations of this section by a physician.

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30 */s/T. Garner*