

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator T. Garner

A Bill

SENATE BILL 3

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.

Subtitle

14 TO REQUIRE ADDITIONAL REPORTING
15 REQUIREMENTS BY CERTAIN PHYSICIANS AND
16 HEALTHCARE FACILITIES FOR ABORTION
17 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 (d)(1) The department shall develop and publish on the website of the
27 department an annual report that aggregates on a statewide basis each
28 abortion complication reported under this section.

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

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

33 (2) The information and records shall be released only in the
34 following circumstances:

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

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

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

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

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

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

14 (3) Each day of a continuing violation shall constitute a
15 separate violation.

16 (4) A third separate violation of this section shall constitute
17 grounds for:

18 (A) Revocation or suspension of the physician's or the
19 healthcare facility's license, permit, registration, certificate, or other
20 authority; or

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

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

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