
By: **Senator Haines**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Abortions - Statistical Reporting Requirement**

3 FOR the purpose of requiring physicians and certain health care providers to report
4 certain information about abortions to the Department of Health and Mental
5 Hygiene; establishing that reports from physicians and health care providers
6 are not public records; providing for patient confidentiality; requiring a certain
7 monthly report; requiring a certain annual statistical report be submitted by the
8 Department of Health and Mental Hygiene to the General Assembly; requiring
9 public disclosure of a certain annual statistical report; providing for a certain
10 additional report under certain circumstances; providing criminal and civil
11 penalties; creating an exception for certain hospitals; and generally relating to
12 the reporting of abortions.

13 BY adding to
14 Article - Health - General
15 Section 20-210
16 Annotated Code of Maryland
17 (2000 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health - General**

21 20-210.

22 (A) A REPORT OF EACH ABORTION PERFORMED IN THIS STATE SHALL BE
23 MADE TO THE DEPARTMENT.

24 (B) THE REPORT SHALL BE:

25 (1) MADE ON FORMS PRESCRIBED BY THE DEPARTMENT;

26 (2) COMPLETED BY THE HOSPITAL OR OTHER FACILITY IN WHICH THE
27 ABORTION OCCURRED AND SIGNED BY THE PHYSICIAN WHO PERFORMED THE
28 ABORTION; AND

1 (3) TRANSMITTED MONTHLY TO THE CENTER FOR HEALTH STATISTICS
2 OF THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING MONTH.

3 (C) THE REPORT FORM MAY NOT INCLUDE THE NAME OF A PATIENT.

4 (D) THE REPORT FORM SHALL INCLUDE THE FOLLOWING INFORMATION:

5 (1) IDENTIFICATION OF THE FACILITY WHERE THE ABORTION WAS
6 PERFORMED;

7 (2) THE COUNTY AND STATE OF RESIDENCE OF THE PATIENT;

8 (3) THE AGE, RACE, AND MARITAL STATUS OF THE PATIENT;

9 (4) THE NUMBER OF PRIOR PREGNANCIES AND PRIOR ABORTIONS OF
10 THE PATIENT;

11 (5) THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT THE TIME OF
12 THE ABORTION;

13 (6) THE DATE OF THE ABORTION AND THE METHOD OF ABORTION USED
14 BY THE PROVIDER;

15 (7) A DESCRIPTION OF COMPLICATIONS THAT OCCURRED AT THE TIME
16 THE ABORTION WAS PERFORMED OR ATTEMPTED; AND

17 (8) THE PRIMARY REASON PROVIDED BY THE PATIENT FOR THE
18 ABORTION, INCLUDING, BUT NOT LIMITED TO, RAPE, INCEST, FINANCIAL HARDSHIP,
19 PHYSICAL INFIRMITY, OR MENTAL INFIRMITY.

20 (E) (1) THE DEPARTMENT SHALL SUBMIT AN ANNUAL COMPREHENSIVE
21 STATISTICAL REPORT TO THE GENERAL ASSEMBLY BASED UPON THE REPORTS
22 REQUIRED UNDER THIS SECTION. THE DEPARTMENT SHALL SUBMIT AN ANNUAL
23 REPORT TO THE GENERAL ASSEMBLY NO LATER THAN OCTOBER 1, 2002 AND ON OR
24 BEFORE OCTOBER 1 OF EACH YEAR FOLLOWING, IN ACCORDANCE WITH § 2-1246 OF
25 THE STATE GOVERNMENT ARTICLE.

26 (2) THE ANNUAL STATISTICAL REPORT ISSUED BY THE DEPARTMENT
27 SHALL:

28 (I) PROVIDE FOR THE CONFIDENTIALITY OF PATIENTS AND
29 PHYSICIANS; AND

30 (II) BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING.

31 (3) THE REPORTS COMPLETED BY HOSPITALS OR OTHER FACILITIES
32 AND SUBMITTED TO THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION ARE
33 NOT PUBLIC RECORDS AND MUST REMAIN CONFIDENTIAL EXCEPT THAT
34 DISCLOSURE SHALL BE MADE TO FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT
35 AGENCIES, PURSUANT TO A COURT ORDER.

1 (F) (1) EVERY PHYSICIAN WHO PROVIDES MEDICAL CARE TO A PATIENT
2 AND WHO DETERMINES THAT MEDICAL CARE IS REQUIRED DUE TO COMPLICATIONS
3 RESULTING FROM AN ABORTION OR ATTEMPTED ABORTION SHALL PREPARE A
4 REPORT FOR SUBMISSION TO THE DEPARTMENT WITHIN 30 DAYS OF THE FIRST
5 EXAMINATION OF THE PATIENT.

6 (2) THE REPORT SHALL BE ON FORMS PRESCRIBED BY THE
7 DEPARTMENT AND SHALL CONTAIN THE FOLLOWING INFORMATION:

8 (I) THE AGE OF THE PATIENT;

9 (II) THE NUMBER OF PREGNANCIES THE PATIENT HAD PRIOR TO
10 THE MEDICAL COMPLICATIONS RESULTING FROM THE ABORTION OR ATTEMPTED
11 ABORTION;

12 (III) THE NUMBER AND TYPE OF ABORTIONS THE PATIENT MAY
13 HAVE HAD PRIOR TO THE MEDICAL COMPLICATIONS RESULTING FROM THE
14 ABORTION OR ATTEMPTED ABORTION;

15 (IV) THE NAME AND ADDRESS OF THE FACILITY WHERE THE
16 ABORTION RESULTING IN THE MEDICAL COMPLICATIONS WAS PERFORMED;

17 (V) IF KNOWN, THE GESTATIONAL AGE OF THE FETUS AT THE TIME
18 OF THE ABORTION RESULTING IN THE MEDICAL COMPLICATIONS;

19 (VI) IF KNOWN, THE TYPE OF ABORTION THAT RESULTED IN THE
20 MEDICAL COMPLICATIONS;

21 (VII) THE MEDICAL TREATMENT PROVIDED TO THE PATIENT TO
22 EASE OR ELIMINATE THE MEDICAL COMPLICATIONS RESULTING FROM THE
23 ABORTION OR ATTEMPTED ABORTION; AND

24 (VIII) THE NATURE AND EXTENT OF ANY KNOWN PERMANENT
25 CONDITION RESULTING FROM THE MEDICAL COMPLICATION.

26 (G) (1) A PHYSICIAN WHO PERFORMS AN ABORTION OR TREATS
27 COMPLICATIONS FROM AN ABORTION OR ATTEMPTED ABORTION AND FAILS TO
28 COMPLETE AND SUBMIT THE REPORT REQUIRED BY THIS SECTION IS GUILTY OF
29 UNPROFESSIONAL CONDUCT AND THE PHYSICIAN'S LICENSE SHALL BE SUBJECT TO
30 SUSPENSION OR REVOCATION PURSUANT TO § 14-404 OF THE HEALTH OCCUPATIONS
31 ARTICLE.

32 (2) AN INDIVIDUAL OTHER THAN A PHYSICIAN WHO WILLFULLY DOES
33 NOT COMPLY WITH THE REPORTING REQUIREMENTS OF THIS SECTION IS GUILTY OF
34 A MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
35 \$500 FOR EACH FAILURE TO SUBMIT A STATISTICAL FORM.

36 (3) AN ORGANIZATION OR HEALTH CARE FACILITY THAT DOES NOT
37 SUBMIT THE REPORT REQUIRED BY THIS SECTION IS SUBJECT TO AN

1 ADMINISTRATIVE FINE NOT TO EXCEED \$500 FOR EACH FAILURE TO PROVIDE THE
2 REQUIRED REPORT.

3 (H) THIS SECTION DOES NOT APPLY TO A HOSPITAL AS DEFINED UNDER §
4 19-301 OF THIS ARTICLE THAT SUBMITS INFORMATION ON ABORTIONS REQUIRED BY
5 THE HEALTH SERVICES COST REVIEW COMMISSION.

6 (I) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY
7 OUT THE PROVISIONS OF THIS SECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.