

HOUSE BILL 898

J1, J3

3lr1552
CF SB 455

By: **Delegate Kach**

Introduced and read first time: February 7, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Abortion Survey System**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
4 establish a certain mandatory abortion survey system; requiring certain
5 hospitals and facilities to report abortions to the Department using a certain
6 form, in a certain manner, and on or before a certain date each year; providing
7 that a report received by the Department under certain provisions of this Act is
8 confidential, is not a public record, and may not include certain information;
9 requiring the report to be destroyed after certain data is used to prepare a
10 certain report; requiring the Department to develop an abortion survey form to
11 collect certain data; specifying the data to be collected; requiring the attending
12 physician to provide certain information to the individual completing the form;
13 providing that the form may be in an electronic format; authorizing the
14 Department to require electronic submission of the form under certain
15 circumstances; requiring the Department to submit a certain annual report to
16 the Governor and General Assembly; providing for certain penalties; requiring
17 the Department to adopt certain regulations; providing for the application of
18 certain provisions of this Act; authorizing the State Board of Physicians to
19 provide for certain disciplinary action for a licensee who violates certain
20 provisions of this Act; and generally relating to an abortion survey system and
21 reporting requirements.

22 BY adding to

23 Article – Health – General

24 Section 20–217 to be under the new part “Part V. Reporting Requirements”

25 Annotated Code of Maryland

26 (2009 Replacement Volume and 2012 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Health Occupations

29 Section 14–404(a)(40) and (41)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2012 Supplement)

3 BY adding to
4 Article – Health Occupations
5 Section 14–404(a)(42)
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2012 Supplement)

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

10 **Article – Health – General**

11 **20–215. RESERVED.**

12 **20–216. RESERVED.**

13 **PART V. REPORTING REQUIREMENTS.**

14 **20–217.**

15 **(A) FOR PUBLIC HEALTH REASONS, THE DEPARTMENT SHALL**
16 **ESTABLISH A MANDATORY ABORTION SURVEY SYSTEM TO:**

17 **(1) IDENTIFY THE CHARACTERISTICS OF WOMEN WHO ARE AT**
18 **HIGH RISK OF UNINTENDED PREGNANCY;**

19 **(2) EVALUATE THE EFFECTIVENESS OF PROGRAMS FOR**
20 **REDUCING TEEN PREGNANCIES AND UNINTENDED PREGNANCIES AMONG**
21 **WOMEN OF ALL AGES;**

22 **(3) CALCULATE PREGNANCY RATES, BASED ON ABORTION DATA,**
23 **BIRTH DATA, AND PREGNANCY LOSS ESTIMATES; AND**

24 **(4) MONITOR CHANGES IN CLINICAL PRACTICE PATTERNS**
25 **RELATED TO ABORTION, INCLUDING:**

26 **(I) CHANGES IN THE TYPES OF ABORTION PROCEDURES**
27 **USED;**

28 **(II) WEEKS OF GESTATION WHEN THE ABORTION IS**
29 **PERFORMED; AND**

1 **(III) MATERNAL MORTALITY RATES OF SPECIFIC ABORTION**
2 **PROCEDURES.**

3 **(B) THIS SECTION DOES NOT APPLY TO A HOSPITAL, AS DEFINED IN §**
4 **19-301 OF THIS ARTICLE, THAT SUBMITS INFORMATION ON ABORTIONS TO THE**
5 **STATE HEALTH SERVICES COST REVIEW COMMISSION.**

6 **(C) (1) A HOSPITAL OR FACILITY IN WHICH AN ABORTION IS**
7 **PERFORMED SHALL REPORT THE ABORTION TO THE DEPARTMENT USING THE**
8 **ABORTION SURVEY FORM DEVELOPED UNDER SUBSECTION (D) OF THIS**
9 **SECTION.**

10 **(2) A HOSPITAL OR FACILITY THAT IS REQUIRED TO REPORT AN**
11 **ABORTION UNDER THIS SECTION SHALL SUBMIT THE REQUIRED ABORTION**
12 **SURVEY FORM TO THE DEPARTMENT ON OR BEFORE JANUARY 15 OF EACH**
13 **YEAR.**

14 **(3) A REPORT RECEIVED BY THE DEPARTMENT UNDER THIS**
15 **SECTION:**

16 **(I) IS CONFIDENTIAL;**

17 **(II) IS NOT A PUBLIC RECORD;**

18 **(III) MAY NOT INCLUDE THE NAME OF THE PATIENT WHOSE**
19 **PREGNANCY WAS TERMINATED; AND**

20 **(IV) SHALL BE DESTROYED BY THE DEPARTMENT AFTER**
21 **THE DATA ARE USED TO PREPARE THE COMPREHENSIVE STATISTICAL REPORT**
22 **REQUIRED BY SUBSECTION (E) OF THIS SECTION.**

23 **(D) (1) THE DEPARTMENT SHALL DEVELOP AN ABORTION SURVEY**
24 **FORM TO COLLECT THE FOLLOWING DATA SPECIFIED IN THE UNITED STATES**
25 **STANDARD REPORT OF INDUCED TERMINATION OF PREGNANCY PROVIDED BY**
26 **THE NATIONAL CENTER FOR HEALTH STATISTICS:**

27 **(I) THE NAME OF THE HOSPITAL OR FACILITY WHERE THE**
28 **ABORTION WAS PERFORMED;**

29 **(II) THE CITY OR TOWN WHERE THE ABORTION WAS**
30 **PERFORMED;**

1 (III) THE COUNTY AND STATE OF RESIDENCE OF THE
2 PATIENT;

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

4 (V) THE HIGHEST EDUCATION LEVEL ACHIEVED BY THE
5 PATIENT;

6 (VI) THE DATE ON WHICH THE ABORTION WAS PERFORMED;

7 (VII) THE DATE ON WHICH THE PATIENT'S LAST NORMAL
8 MENSES BEGAN;

9 (VIII) THE CLINICAL ESTIMATE OF GESTATION;

10 (IX) THE NUMBER OF PRIOR LIVE BIRTHS, MISCARRIAGES,
11 AND ABORTIONS EXPERIENCED BY THE PATIENT;

12 (X) THE TYPE OF ABORTION PROCEDURE USED BY THE
13 PHYSICIAN;

14 (XI) THE NAME OF THE ATTENDING PHYSICIAN; AND

15 (XII) THE NAME OF THE INDIVIDUAL COMPLETING THE
16 REPORT.

17 (2) THE ATTENDING PHYSICIAN SHALL PROVIDE THE
18 INFORMATION NECESSARY TO THE INDIVIDUAL COMPLETING THE REPORT.

19 (3) (I) THE ABORTION SURVEY FORM MAY BE MADE
20 AVAILABLE IN AN ELECTRONIC FORMAT.

21 (II) IF THE ABORTION SURVEY FORM IS AVAILABLE IN AN
22 ELECTRONIC FORMAT, THE DEPARTMENT MAY REQUIRE A HOSPITAL OR
23 FACILITY IN WHICH AN ABORTION IS PERFORMED TO SUBMIT THE ABORTION
24 SURVEY FORM ELECTRONICALLY.

25 (E) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE
26 DEPARTMENT SHALL SUBMIT A COMPREHENSIVE STATISTICAL REPORT TO THE
27 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
28 ARTICLE, THE GENERAL ASSEMBLY THAT IS BASED ON THE DATA IN THE
29 ABORTION SURVEY FORMS SUBMITTED UNDER THIS SECTION.

1 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION:**

3 **(I) MAY NOT INCLUDE THE NAME OF ANY PATIENT,**
4 **PHYSICIAN, OR FACILITY IN WHICH AN ABORTION WAS PERFORMED; AND**

5 **(II) SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND**
6 **COPYING.**

7 **(F) (1) A PHYSICIAN WHO FAILS TO PROVIDE THE INFORMATION**
8 **NECESSARY TO COMPLETE THE ABORTION SURVEY FORM IS GUILTY OF**
9 **UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINARY ACTION**
10 **UNDER § 14-404 OF THE HEALTH OCCUPATIONS ARTICLE.**

11 **(2) AN INDIVIDUAL OTHER THAN A PHYSICIAN WHO WILLFULLY**
12 **VIOLATES THE REPORTING REQUIREMENTS OF THIS SECTION IS GUILTY OF A**
13 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
14 **\$500 FOR EACH VIOLATION.**

15 **(3) A HOSPITAL OR FACILITY THAT DOES NOT SUBMIT THE**
16 **ABORTION SURVEY FORM REQUIRED BY THIS SECTION IS SUBJECT TO AN**
17 **ADMINISTRATIVE FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.**

18 **(4) AN INDIVIDUAL WHO VIOLATES THE CONFIDENTIALITY**
19 **REQUIREMENTS OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**
20 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH**
21 **VIOLATION.**

22 **(G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT**
23 **THIS SECTION.**

24 **Article – Health Occupations**

25 14-404.

26 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board,
27 on the affirmative vote of a majority of the quorum, may reprimand any licensee, place
28 any licensee on probation, or suspend or revoke a license if the licensee:

29 (40) Fails to keep adequate medical records as determined by
30 appropriate peer review; [or]

31 (41) Performs a cosmetic surgical procedure in an office or a facility
32 that is not:

- 1 (i) Accredited by:
- 2 1. The American Association for Accreditation of
3 Ambulatory Surgical Facilities;
- 4 2. The Accreditation Association for Ambulatory Health
5 Care; or
- 6 3. The Joint Commission on the Accreditation of Health
7 Care Organizations; or
- 8 (ii) Certified to participate in the Medicare program, as enacted
9 by Title XVIII of the Social Security Act; **OR**

10 **(42) FAILS TO COMPLY WITH THE PROVISIONS OF § 20-217 OF THE**
11 **HEALTH – GENERAL ARTICLE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2013.