

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 30—Ambulatory Surgical
Centers and Abortion Facilities

PROPOSED AMENDMENT

19 CSR 30-30.050 Definitions and Procedures for Licensing Abortion Facilities. The department is amending the Purpose statement and sections (1) and (2).

PURPOSE: This amendment updates definitions, establishes contents of licensing applications, and incorporates application forms for abortion facility licenses.

*PURPOSE: This rule defines terminology used in 19 CSR 30-30.060 and 19 CSR 30-30.070, and [presents] **establishes the procedures [to follow in making application for a] for applying for an abortion facility license.***

(1) The following definitions shall be used in the interpretation and enforcement of 19 CSR 30-30.060 and 19 CSR 30-30.070:

(A) Abortion—The **act of using or prescribing any instrument, device, drug, or any other means or substance resulting in the** intentional destruction of an embryo or fetus in a woman's uterus or the intentional termination of a pregnancy of a woman with intent other than to increase the probability of a live birth or to remove a dead or dying embryo or fetus;

(B) Abortion facility—[A facility] **Any clinic, physician's office, or any other place or facility** in which [the number of patients having] abortions [represents fifty-one percent (51%) or more of the patients treated or seen for any health condition or where fifty-one percent (51%) or more of the revenues of the facility] are [from abortions or procedures related to abortions] **performed or induced other than a hospital;**

(C) Administrator—A person who is designated **by an abortion facility** to provide daily supervision over [an] **the abortion facility and who is a physician licensed in Missouri, a registered nurse licensed in Missouri, or an individual who has at least one (1) year of administrative experience in health care;**

(D) Complication--Includes, but is not limited to **incomplete abortion, excessive hemorrhage, [infection], endometritis, parametritis, pyrexia, pelvic abscess, uterine perforation, failed abortion, cervical lacerations [and], retained products, or psychiatric issues;**

(E) Department—The Missouri Department of Health **and Senior Services;**

(F) Discharge summary—A statement completed by a physician or registered nurse [on] **regarding** the condition of the patient at the time of discharge;

(G) First trimester—The first thirteen (13) weeks of gestation, based upon gestational age;

(H) Gestational age—The length of pregnancy measured from the onset of the last menstrual period, **and except in the case of a medical emergency as defined in section 188.015, RSMo, determined by a physician in a manner consistent with accepted obstetrical and neonatal practices and standards after performing or causing to be performed such medical examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about the medical facts and conditions of both the woman and the unborn child involved, would consider necessary to perform and consider in making an accurate diagnosis;**

- (I) Health assessment—A determination of a patient's physical and mental status;
- (J) Licensed practical nurse (LPN)—A person licensed to practice practical nursing [*under the Nursing Practice Act, sections 335.011 335.096*] pursuant to Chapter 335, RSMo [1986];
- (K) OB/GYN—A physician who is board-certified or board-eligible by the American Board of Obstetrics and Gynecology or the American Osteopathic Board of Obstetrics and Gynecology;
- (L) Person—Any individual, firm, partnership, corporation [*or*], association, or other business entity;
- [(L)] (M) Physician—Any person licensed to practice medicine pursuant to Chapter 334, RSMo [1986];
- [(M)] (N) Registered professional nurse--An individual who is a graduate of an approved school of nursing and who is licensed to practice professional nursing under [*the Missouri Nursing Practice Act, sections 335.011 335.096*] Chapter 335, RSMo [1986]; [*and*]
- [(N)] (O) Surgical technologist—An individual who is certified by the [*Association*] National Board of Surgical [*Technologists, Inc.*] Technology and Surgical Assisting.

(2) Procedures for Licensing Abortion Facilities.

- (A) [*In*] **No abortion shall be performed or induced in any place or facility [*other than licensed ambulatory surgical facilities and hospitals where abortions may be performed*] including a clinic or physician's office, without a license [*to establish and operate an abortion facility shall be required in the absence of evidence to support that the facility is not operating in accordance with the definition established in subsection (1)(B)*] issued by the Department, except that abortions may be performed or induced in hospitals without a separate abortion facility license issued by the Department. [*The evidence required must include, but need not be limited to, statistical records of individuals treated and financial reports including revenue from abortions and procedures related to abortions and total revenues.*]**
- (B) Application for [*the licensing of*] an abortion facility license shall be made in writing to the Department [*of Health*] on forms provided by the Department [*of Health. Each application for a license shall be accompanied by an annual license fee of two hundred dollars (\$200).*]
- (C) [*The application shall be made*] by the person[*(s) or corporation operating*] who will operate the facility. **The forms shall require at least the following information: date of application; name of facility to appear on license; street address, city, county, zip code, telephone number, and email address of facility; facility website address, if any; name of person who will operate facility; organizational chart showing ownership and control of facility; name of chief officer of governing body of facility; name and qualifications of administrator; name and qualifications of OB/GYN consultant; types of abortions that will be performed at the facility (i.e., surgical and/or drug- or chemically-induced); estimated number of each type of abortion that will be performed and/or induced annually at facility; number of facility staff; number of physicians on staff; number of physicians routinely performing or inducing abortions at facility; number of anesthesiologists or CRNAs on staff, if any; usual days and hours of facility operation; usual days and times that abortions are induced or performed at facility; number of procedure rooms; and notarized certification by chief officer of governing body and administrator that application is accurate and facility will follow all applicable laws and regulations.**

(C) Each application for an abortion facility license shall be sent to the Missouri Department of Health and Senior Services, Bureau of Ambulatory Care, P.O. Box 570, Jefferson City, MO 65102, and shall be accompanied by an annual fee of two hundred dollars (\$200).

(D) Each license, unless sooner suspended or revoked, shall be issued for a period of one (1) year.

(E) Each license shall be issued only for the persons and premises named in the application.

[(D)] (F) The [licensee] facility shall notify the Department [of Health] in writing [of any change in the] if the operator of the facility, name of the facility, or [change in the name of the administrator] premises of the facility changes. The facility shall provide the notification at least thirty (30) days before the change.

[(E)] (G) Separate licenses are required for abortion facilities maintained on separate sites even [though] if operated by the same [owner] person.

[(F)] (H) The abortion facility license shall be conspicuously posted in a public area in the facility.

[(G) A] (I) No license shall [not] be issued or renewed by the Department [of Health] until [a] the Department has inspected the facility and determined that it is in compliance with all requirements of [19 CSR 30-30.060 and 19 CSR 30-30.070] applicable regulations and statutes.

AUTHORITY: section[s 197.200 – 197.240] 197.225, RSMo 2017. Original rule filed July 15, 1987, effective Oct. 25, 1987.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Division of Regulation and Licensure, Dean Linneman, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*