

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

EMERGENCY AMENDMENT

19 CSR 30-30.060 Standards for the Operation of Abortion Facilities. The department is amending Paragraph 8 of subsection (1)(A).

PURPOSE: This amendment updates the list of laws, regulations, and standards that governing bodies must ensure abortion facilities abide by or otherwise comply with.

*EMERGENCY STATEMENT: This emergency amendment requires governing bodies operating abortion facilities within Missouri to ensure that their facilities abide with certain regulations governing their operation. This emergency amendment will help ensure that abortion facilities are operated in a manner to provide acceptable care in a safe environment and in accordance with all legal requirements and standards of care. In addition to requiring governing bodies ensure that their facilities are operating in compliance with the applicable state and federal laws and regulations, this emergency amendment requires violations of these laws and regulations to be immediately referred to the Medicaid Audit and Compliance Unit of the Department of Social Services. This information transfer will allow MMAC to evaluate (or reevaluate) Medicaid eligibility of the provider in consideration of current deficiencies and thereby increase further compliance with state and federal laws and regulations governing abortion facilities. As a result, the Department of Health and Senior Services finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. Subject to section 536.025, this emergency rule was filed September 28, 2021, becomes effective October 13, 2021, and expires April 10, 2022.*

8. The governing body, through the administrator, shall ensure that the abortion facility abides by all applicable state and federal laws and regulations. This shall include, but not be limited to, compliance with Chapter 188, RSMo[.], **13 CSR 70-3.030(3), failure to notify pathology lab of failed abortion within twenty-four (24) hours, failure to ensure the physician providing informed consent to the patient is the physician who performs the procedure, failure to ensure all medical records associated with abortions accurately reflect the date and time the record was created, failure to ensure the physician who performs the abortion performs a pelvic exam at least seventy-two (72) hours before an abortion unless, in the physician's clinical judgment, such pelvic exam is not medically necessary and said physician documents the reason for such determination, failure of any physician, nurse, or other health care provider, or their contracted agents, to cooperate with any Department of Health and Senior Services investigator upon written request of the investigator, failure to ensure all employees participate in annual fire drill, failure to ensure policies are written in accordance with regulatory requirements, failure to ensure endotracheal equipment is**

maintained and that staff is aware of the location of the equipment, failure to follow acceptable sterilization standards for surgery instruments and equipment, or failure to maintain controlled substance logs in accordance with published regulations. Any violation of law or regulation shall be immediately referred, in writing, with details of said violation or violations, to the Medicaid Audit and Compliance Unit of the Department of Social Services.

AUTHORITY: section 197.225, RSMo Supp. 2019. Original rule filed July 15, 1987, effective Oct. 25, 1987. Amended: Filed June 14, 1988, effective Oct. 13, 1988. Amended: Filed Oct. 24, 2017, effective April 30, 2018. Emergency amendment filed June 21, 2019, effective July 1, 2019, expired Feb. 27, 2020. Amended: Filed June 21, 2019, effective Feb. 29, 2020. Emergency amendment filed September 28, 2021, effective October 13, 2021, and expires April 10, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

**Original authority: 197.225, RSMo 1975, amended 1986, 2017.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.