

**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 30-30.070 Physical Standards for Abortion Facilities. The department is adding a new section (1), renumbering thereafter, and amending section (2).**

*PURPOSE: This amendment changes the regulation to reflect that it does not apply to abortion facilities that do not perform surgical abortions or surgical intervention for abortion complications. This amendment also updates outdated references to statutes and the Department of Health and Senior Services' name.*

PURPOSE: Section [197.200] **197.225**, RSMo [1986] authorizes the Department of Health **and Senior Services** to establish physical standards for abortion facilities in order to provide acceptable care in a safe environment. Abortion facilities are [*considered ambulatory surgical centers as*] defined [*by*] **in** section 197.200(1), RSMo and are subject to licensure [*as required by*] **under** section 197.205, RSMo [1986].

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

**(1) This regulation does not apply to abortion facilities that do not perform surgical abortions or surgical intervention for abortion complications.**

[(1)] **(2)** Requests for deviations from requirements on physical facilities shall be in writing to the Department of Health **and Senior Services**. Approvals for deviations shall be in writing and both requests and approvals shall be made a part of the permanent Department of Health **and Senior Services** records for the abortion facility.

[(2)] **(3)** Any abortion facility constructed or renovated after October 25, 1987 shall have plans prepared by an architect or engineer registered in Missouri. These plans shall be submitted to the department for review and approval prior to construction. New abortion facilities shall have the following:

- (A) At least two (2) remote exits shall be provided for each floor directly to the outside or through an enclosed stairway or passageway to the outside;
- (B) Corridors serving patients shall be at least six feet (6') wide;
- (C) All doors through which patients pass shall be at least forty-four inches (44") wide and of solid-core construction;
- (D) One (1)-story buildings shall be at least of Type II (111) protected noncombustible construction as described in Standard on Types of Building Construction 1979 published by the National Fire Protection Association;

- (E) Multistory buildings shall be constructed of at least Type II (222) fire-resistive construction as described in Standard on Types of Building Construction published by the NFPA, or shall be protected throughout by an approved automatic sprinkler system;
- (F) Multistory buildings shall have at least one (1) elevator. The elevator cab shall be at least five feet by seven feet (5' 7') clear inside. The car door shall have a clear opening of not less than forty-four inches (44");
- (G) Trickle-charge battery pack units shall be located to provide emergency lighting in the procedure room, recovery room, exit corridors and exit stairs to grade;
- (H) A manual fire alarm break station shall be located near each exit and connected to a local audible alarm which can be heard throughout the facility;
- (I) At least two (2) ABC-type fire extinguishers are to be located in the facility, one (1) in the clinical area;
- (J) Illuminated exit signs shall be located above each exit and illuminated directional exit signs shall be located where needed to direct patients and personnel to exits in event of an emergency;
- (K) Ceiling, wall and floor finishes in the clinical area including the procedure rooms, recovery room, personnel change rooms, central sterile and supply, janitor's closet and laboratory shall be smooth and easily cleanable;
- (L) Scrub-up facilities shall be knee- or foot-operated and provided at the rate of one (1) per procedure room. Scrub-up facilities shall be located outside but immediately available to the procedure room;
- (M) Procedure rooms shall have the following:
1. A minimum length and width of twelve feet (12');
  2. A minimum ceiling height of nine feet (9');
  3. A door with a minimum width of forty-four inches (44"); and
  4. There shall be no windows in the room except there may be a fixed-view window in the wall between the procedure room and the adjacent corridor;
- (N) The recovery room shall be separated from the procedure room and be of sufficient size to accommodate at least four (4) recovery beds or recliners for each procedure room. There shall be three feet (3') of clear space on both sides and at the foot of each recovery bed or recliner;
- (O) The procedure room and recovery room shall be provided with a minimum of six (6) air changes per hour. Air supplied to all areas shall be filtered through a filter with at least a twenty-five percent (25%) efficiency rating;
- (P) Personnel change rooms shall be provided for each sex and located convenient to the procedure room. Each change room shall be equipped with a toilet and lavatory;
- (Q) The laboratory shall be equipped with a counter, sink and refrigerator;
- (R) The procedure room shall be equipped with a ceiling-mounted surgical light, operating table or a conventional gynecological examining table with accessories, closed cabinets for equipment and sufficient tables to hold an emergency tray and other necessary equipment;
- (S) There shall be one (1) electrical outlet in the procedure room for the emergency light and at least one (1) duplex outlet on each wall;
- (T) There shall be one (1) electrical outlet in the recovery room for the emergency light and at least one (1) duplex outlet for each two (2) recovery beds or recliners;
- (U) Piped-in or portable oxygen and suction equipment shall be located in the recovery room;
- (V) The sterilizing room shall be equipped with a steam sterilizer, counter and sink, and storage space for clean supplies. Air pressure in this room shall be positive in relation to adjacent areas;

- (W) The soiled/decontamination room shall be equipped with a counter and sink. This room shall be equipped with a constant running exhaust;
- (X) A patient toilet with lavatory shall be located convenient to the recovery room. This room shall be equipped with a constant running exhaust;
- (Y) At least two (2) patient change rooms with secure storage for personal effects shall be provided; and
- (Z) Office space, waiting room, record storage space and counseling rooms shall be provided. Counseling rooms shall be separate and not smaller than ten feet by ten feet (10' 10').

[(3)] **(4)** Any abortion facility in operation at the time these rules are adopted shall comply with the following:

- (A) Smoke detectors shall be located in all rooms and in corridors at thirty-feet (30') intervals unless the building is rated Type II (222) fire-resistive or if it is a one (1)-story building rated Type II (111) protected-noncombustible as described in Standard on Types of Building Construction 1979 published by the NFPA. If the building is multistoried and rated combustible, it shall be protected throughout by an approved automatic sprinkler system;
- (B) There shall be a system of corridors, passageways and elevators adequate in size and arrangement to allow a patient on a stretcher to be moved from any point in the abortion facility to a street-level exit;
- (C) Space shall be provided for waiting, registration, counseling, medical evaluation, examination and referral. This space shall be equipped with suitable furnishings and accommodations;
- (D) Dressing rooms shall be provided for the privacy, physical comfort and convenience of patients and personnel;
- (E) At least one (1) procedure room shall be adequately equipped, supplied and staffed to safely perform abortions. The procedure room shall be equipped with an operating table or a conventional gynecologic examining table with accessories, a closed cabinet for equipment and tables to hold an emergency tray and other necessary equipment. The procedure room shall be well lighted and maintained at a comfortable temperature;
- (F) Personnel change rooms and scrub-up facilities shall be located convenient to the procedure room;
- (G) A utility room with facilities for steam sterilization and space for storage of clean and sterilized supplies shall be provided. There shall be sufficient surgical instruments sterilized and available for each patient who presents herself for an abortion. The room shall be arranged to prevent cross traffic of clean and dirty material;
- (H) The recovery room shall be separate from the procedure room and be of sufficient size to accommodate at least four (4) recovery beds or recliners for each procedure room. The recovery room shall be well-lighted and maintained at a comfortable temperature. Recovery beds or recliners shall be spaced to permit easy staff access to each patient;
- (I) Piped-in or portable oxygen and suction equipment shall be located in the recovery room;
- (J) Trickle charge battery pack units shall be located to provide emergency lighting in the procedure room, recovery room, exit corridors and exit stairs to grade;
- (K) A manual fire alarm break station shall be located near each exit and connected to a local audible alarm which can be heard throughout the facility;
- (L) At least two (2) ABC-type fire extinguishers shall be located in the facility, one (1) in the clinical area;

(M) Illuminated exit signs shall be located above each exit door and illuminated directional exit signs shall be located where needed to direct patients and personnel to exits in event of an emergency;

(N) Wall and floor finishes in the procedure room, recovery room and the sterilization area shall be smooth and easily cleanable;

(O) The laboratory shall be equipped with a counter, sink and refrigerator; and

(P) At least two (2) remote exits shall be provided for each floor. Each exit shall discharge directly to the outside or through an enclosed stairway or passageway to the outside.

*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 amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment 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 amendment 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.*