

1 State of Arkansas As Engrossed: S2/19/19 S2/28/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 3

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5 By: Senators T. Garner, B. Ballinger, Bledsoe, A. Clark, J. Cooper, B. Davis, L. Eads, J. English, Flipppo,
6 K. Hammer, Hester, Hill, Irvin, B. Johnson, M. Johnson, Rapert, Rice, G. Stubblefield, J. Sturch, D.

7 Wallace

8 By: Representatives Barker, Beck, Bentley, Breaux, Brown, Capp, Christiansen, Cloud, C. Cooper,
9 Crawford, Della Rosa, Evans, M. Gray, Hawks, Kelly, Maddox, J. Mayberry, Penzo, Petty, Rye, B. Smith,
10 S. Smith, Speaks, Vaught

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For An Act To Be Entitled

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AN ACT TO REQUIRE ADDITIONAL REPORTING REQUIREMENTS
14 BY CERTAIN PHYSICIANS AND HEALTHCARE FACILITIES FOR
15 ABORTION COMPLICATIONS; AND FOR OTHER PURPOSES.

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17

18

Subtitle

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TO REQUIRE ADDITIONAL REPORTING
20 REQUIREMENTS BY CERTAIN PHYSICIANS AND
21 HEALTHCARE FACILITIES FOR ABORTION
22 COMPLICATIONS.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 6, is
28 amended to add an additional section to read as follows:

29 20-16-605. Reporting requirements for abortion complications.

30 (a) As used in this section:

31 (1)(A) "Abortion complication" means any harmful event or
32 adverse outcome with respect to a patient related to an abortion that is
33 performed on the patient and that is diagnosed or treated by a physician or
34 at a healthcare facility.

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(B) "Abortion complication" includes without limitation:

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(i) Shock;



1 (ii) Uterine perforation;
2 (iii) Cervical laceration;
3 (iv) Hemorrhage;
4 (v) Aspiration or allergic response;
5 (vi) Infection;
6 (vii) Sepsis;
7 (viii) Death;
8 (ix) Incomplete abortion;
9 (x) Damage to the uterus; and
10 (xi) An infant born alive after an abortion
11 procedure; and

12 (2) "Healthcare facility" means a hospital, abortion facility,
13 or healthcare facility that provides emergency medical care.

14 (b) This section applies only to:

15 (1) A physician who:

16 (A) Performs at an abortion facility an abortion that
17 results in an abortion complication diagnosed or treated by the physician; or

18 (B) Diagnoses or treats at an abortion facility an
19 abortion complication that is the result of an abortion performed by another
20 physician at the abortion facility; and

21 (2) A healthcare facility.

22 (c)(1)(A) A physician described under subdivision (b)(1) of this
23 section shall electronically submit to the Department of Health a report on
24 each abortion complication diagnosed or treated by the physician not later
25 than the end of the third business day after the date on which the abortion
26 complication was diagnosed or treated.

27 (B) A healthcare facility described under subdivision
28 (b)(2) of this section shall electronically submit to the department a report
29 on each abortion complication diagnosed or treated by the healthcare facility
30 not later than the thirtieth day after the date on which the abortion
31 complication was diagnosed or treated.

32 (2) The reports described in subdivision (c)(1) of this section
33 shall:

34 (A) Be submitted in the form and manner prescribed by rule
35 of the department;

36 (B) Identify the name of the physician submitting the

1 report or the name and type of healthcare facility submitting the report;

2 (C) Not identify by any means the physician performing the
3 abortion or the patient on whom the abortion was performed;

4 (D) Include the most specific, accurate, and complete
5 reporting for the highest level of specificity; and

6 (E) Include the following information, if known, for each
7 abortion complication:

8 (i) The date of the abortion that caused or may have
9 caused the abortion complication;

10 (ii) The type of abortion that caused or may have
11 caused the abortion complication;

12 (iii) The gestational age of the fetus at the time
13 that the abortion was performed;

14 (iv) The name and type of healthcare facility in
15 which the abortion was performed;

16 (v) The date the abortion complication was diagnosed
17 or treated;

18 (vi) The name and type of any healthcare facility
19 other than the reporting healthcare facility in which the abortion
20 complication was diagnosed or treated;

21 (vii) A description of the abortion complication;

22 (viii) The patient's year of birth, race, marital
23 status, state of residence, and county of residence;

24 (ix) The date of the first day of the patient's last
25 menstrual period that occurred before the date of the abortion that caused or
26 may have caused the abortion complication, if known;

27 (x) The number of previous live births of the
28 patient; and

29 (xi) The number of previous induced abortions of the
30 patient.

31 (3) An event associated with a medical procedure performed after
32 a natural miscarriage, spontaneous abortion, or fetal death is not subject to
33 reporting under this section.

34 (d)(1) The department shall develop and publish on the website of the
35 department an annual report that aggregates on a statewide basis each
36 abortion complication reported under this section.

1 (2) The annual report shall not include any duplicative data.

2 (e)(1) The information and records held by the department under this
3 section are confidential and shall not be disclosed under the Freedom of
4 Information Act of 1967, § 25-19-101 et seq.

5 (2) The information and records shall be released only in the
6 following circumstances:

7 (A) For statistical purposes, but only if a person,
8 patient, or healthcare facility is not identified;

9 (B) With the consent of each person, patient, and
10 healthcare facility identified in the information released;

11 (C) For the purpose of enforcing this section, to medical
12 personnel, appropriate state agencies, county courts, or district courts; or

13 (D) For the purpose of enforcing state licensing laws, to
14 appropriate state licensing boards.

15 (f)(1) A physician or healthcare facility that violates this section
16 is subject to a civil penalty of five hundred dollars (\$500) for each
17 violation.

18 (2) The Attorney General, at the request of the department or
19 appropriate licensing board, may file an action to recover a civil penalty
20 assessed under subdivision (f)(1) of this section and may recover attorney's
21 fees and costs incurred in bringing the civil action.

22 (3) Each day of a continuing violation shall constitute a
23 separate violation.

24 (4) A third separate violation of this section shall constitute
25 grounds for:

26 (A) Revocation or suspension of the physician's or the
27 healthcare facility's license, permit, registration, certificate, or other
28 authority; or

29 (B) Other disciplinary action against the physician or
30 healthcare facility by the appropriate licensing board.

31 (5) The department shall notify the Arkansas State Medical Board
32 of any violations of this section by a physician.

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/s/T. Garner

APPROVED: 4/1/19