

HB 1352 -- PROTECTION OF WOMEN'S HEALTH CARE

SPONSOR: Gatschenberger

This bill specifies that no condition can be deemed a medical emergency if it is based on a claim or diagnosis that a pregnant woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function. Instead of the current prohibition, the bill prohibits, except in the case of a medical emergency, an abortion of a viable unborn child from being performed on induced unless the abortion is necessary to avert the pregnant woman's death or serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No greater risk can be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

The Department of Health and Senior Services must inspect and investigate any abortion facility as it deems necessary but at least four inspections in a fiscal year. The information received by the department through file reports, inspection, and other actions authorized in the provisions of the bill must not be disclosed publicly in a manner as to identify individual patients except to another state agency for the investigation of professional or business practices in an abortion facility which also is prohibited from disclosing the individual patient information publicly.

Every abortion facility and any premises proposed to be conducted as an abortion facility must be open at all reasonable times to an inspection authorized in writing by the department director. The department is not required to provide notice to any person prior to an inspection.

Whenever an inspection of an abortion facility discloses that the continued operation of the facility constitutes an immediate and serious risk of harm to the health or safety of the facility's patients, the inspector is authorized to immediately close the facility. Once the facility has been closed, the personnel employed by the facility must cease any activity related to the patients unless continued treatment of any given patient is necessary to protect her physical health or life. A written order stating the grounds for the closure must be served on the licensee within 24 hours after the facility is closed. Any director of an abortion facility that has been closed may, within 10 days of the facility closure, request in writing that the department director conduct a hearing and a reinspection. If a subsequent inspection

discloses that the violations of these provisions or rules, regulations, or standards have been remedied, the department director must cancel the order of closing and permit patients to be treated within the facility. These remedies are in addition to and not exclusive of any other remedy provided by law.