

Abortion Complication Reporting

Legal and Regulatory Requirements



Objectives

Upon completion of this webinar, participants will be able to:

- describe state regulatory basis for abortion complication reporting
- describe essential steps for reporting abortion complications in Missouri
- develop hospital policies and procedures to facilitate compliance with current state law
- describe key provisions of HCS SS SB5

Statutory Requirement

- **RsMo 188** — Abortion chapter
- **RsMo 188.052** — Physician's report on abortion and post-abortion care
 - Effective June 29, 1979
 - Recent report by Director of DHSS
- **RsMo 188.055** — Forms to be supplied to health facilities and physicians.



RsMo 188.052

- An individual abortion report for each abortion performed or induced upon a woman shall be completed by her attending physician
- An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care. This report shall include:
 - The date of the abortion
 - The name and address of the abortion facility or hospital where the abortion was performed
 - The nature of the abortion complication diagnosed or treated

RsMo 188.052

- All abortion reports shall be signed by the attending physician and submitted to the Department of Health and Senior Services within forty-five days from the date of the abortion
- All complication reports shall be signed by the physician providing the post-abortion care and submitted to DHSS within forty-five days from the date of the post-abortion care
- No definition of "abortion complication"

RsMo 188.052

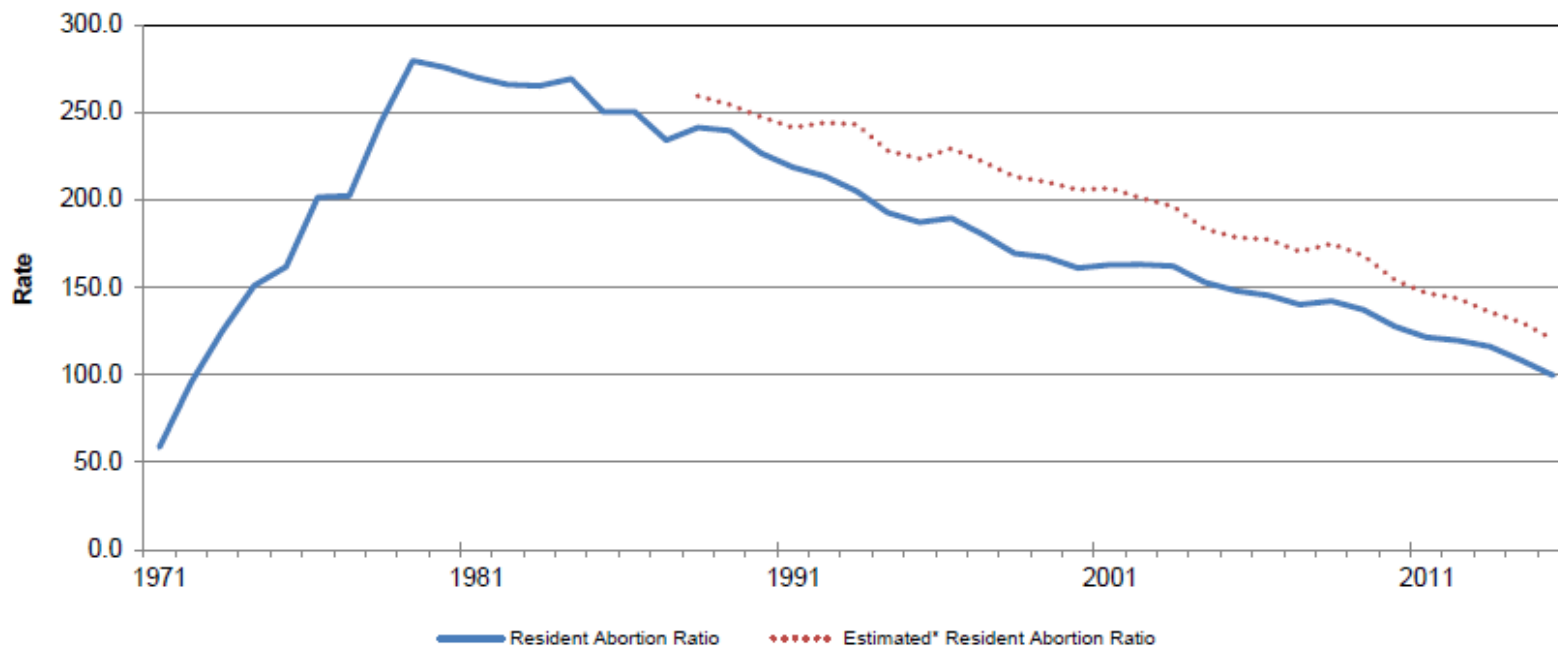
- A copy of the abortion report shall be made a part of the medical record of the patient of the facility or hospital in which the abortion was performed
- DHSS shall be responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom and shall annually publish a statistical report based on such data from abortions performed in the previous calendar year

RsMo 188.055

- Every abortion facility, hospital, and physician shall be supplied with forms by DHSS — Complication Report Form
- Pursuant to statute, the Bureau of Vital Statistics is to compile statistical reports from the information submitted to DHSS — abortion complication reports not available on site

Sample Statistical Report

Graph D. Resident Abortion Ratios per 1,000 Live Births: Missouri, 1971-2015



<http://health.mo.gov/data/vitalstatistics/mvs15/GraphD.pdf>

Frequently Asked Questions

Who must report?

The physician treating regardless of setting

How are reports filed?

Complete the downloadable PDF form and mail to:

Department of Health and Senior Services

Attention: Bureau of Vital Records

P.O. Box 570

Jefferson City, MO 65102

Frequently Asked Questions

What must be reported?

- No “abortion complication” definition
- Complications listed on report include:
 - Incomplete Abortion
 - Hemorrhage
 - Endometritis
 - Parametritis
 - Pyrexia
 - Pelvic Abscess
 - Uterine Perforation
 - Failed Abortion
 - Retained Products
 - Cervical Lacerations
 - Psychiatric
 - Other

Frequently Asked Questions

Should hospitals report if they do not see any patients with post-abortion complications?

No. The only reporting requirement is if the provider assesses a patient and determines their condition is a post-abortion complication.

Where can we find current data?

The current data related to complications arising from an abortion is not definitive. The following [site](#) contains state-wide statistical data for pregnancy complication. Most recent data posted is from 2013.

HCS SS SB5

House Committee Substitute 2nd Special Session 2017



HCS SS SB5

- Modifies laws related to abortion
 - complication plans
 - consent to abortion procedures
 - tissue reports
 - Attorney General jurisdiction
 - the preemption of political subdivision authority regarding abortion
 - whistleblower protections
 - the definition of abortion facilities
 - inspections of abortion facilities
 - the crime of interference with medical assistance

Complication Plan

“...any clinical study in which more than one percent of those administered the drug or chemical required surgical intervention after its administration, no physician may prescribe or administer such drug or chemical to any patient without first obtaining approval from the department of health and senior services of a complication plan from the physician for administration of the drug or chemical to any patient.”

Consent

- The physician performing the procedure shall, at least seventy-two hours prior to the procedure, inform the patient of immediate and long-term risks and complications related to:
 - the procedure method
 - anesthesia
 - gestational age
 - medical history and conditions



Tissue

- All tissue to be submitted to certified pathologists within five days for gross and histopathological examination
- Pathologists to file a report with DHSS within 72 hours and send to abortion facility or hospital
- Pathologists shall notify abortion facility or hospital within 24 hours if evidence of incomplete abortion

Regulatory Oversight

- DHSS will begin reconciling abortion reports with tissue reports
- Situations of unreconciled reports will result in unannounced survey
- Beginning January 1, 2018 annual report to general assembly listing deficiencies and facilities
- Attorney General, or prosecuting attorney or circuit attorney within their respective jurisdictions, may seek injunctive or other relief against any person who, or entity which, is in violation of any provision of this chapter, misuses public funds for an abortion, or violates any state law which regulates an abortion facility or a person who performs or induces an abortion

Protections

- County hospital or hospital district cannot require a person to directly or indirectly participate in abortion if such participation is contrary to the religious beliefs or moral convictions of such person
- Every hospital involved in abortion shall establish and implement a written policy relating to the protections for employees who disclose information concerning actual, potential, or alleged violations of applicable federal or state laws or administrative rules, regulations, or standards

Resources

- Department of Health and Senior Services
Attention: Bureau of Vital Records
P.O. Box 570
Jefferson City, MO 65102
573/751-6387
- Jane Drummond, VP Legal Counsel
Missouri Hospital Association
573/893-3700, ext. 1328
jdrummond@mhanet.com
- Sarah Willson, VP Clinical and Regulatory Affairs
Missouri Hospital Association
573/893-3700, ext. 1304
swillson@mhanet.com
- www.mhanet.com- recording, slides and forms will be posted



Thank you!