

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2751

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2751 would establish standards for the operation of abortion clinics. The Department of Health and Environment would be authorized to adopt rules and regulations for abortion standard facilities, which include:

- ! abortion clinic supplies and equipment standards;
- ! standards for clinic personnel;
- ! medical screening and evaluation of clinic patients;
- ! abortion procedures;
- ! recovery room standards;
- ! standards for follow up visits;
- ! minimum abortion clinic incident reporting;
- ! establishing and maintaining an internal risk management program;
- and
- ! issuance of licensing fees for operation of clinics.

Specifically, the rules and regulations would include among other things:

- ! patient areas, private areas, surgical areas, and recovery and counseling areas;
- ! cleaning and sterilizing of rooms and equipment;
- ! nurses and physician assistants;
- ! abortion procedures, use of anesthesia, and use of intravenous access;
- ! preparation of written materials for patients regarding possible problems and aftercare;
- ! follow-up visits;
- ! supplies and equipment;
- ! pre- and post-procedure medical counseling;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- ! physicians and medical directors who must be licensed to practice medicine and surgery in Kansas;
- ! medical screening and evaluation of patients;
- ! use of ultrasound equipment;
- ! emergency resuscitative and life support equipment and procedures;
- ! maintenance of clinic records, including those resulting in patient injury or death;
- ! licensed health professionals who are trained in the management of the recovery area;
- ! another individual who is present in the evaluation room or during an abortion (if the physician is male, then the individual would be female); and
- ! a system of investigation and analysis to measure the frequency and causes of responsible incidents (an act by health care providers which is below the application standards of care).

The Secretary would be responsible for inspection and investigation of abortion clinics which would remain confidential so as not to identify individuals. Abortion clinics would be required to hold a current valid license, and the Department would be required to suspend or revoke a license for noncompliance.

Background

Testifying in favor of HB 2751 was the primary sponsor, Representative Peggy Long-Mast. Representatives testifying as proponents included Kansans for Life, Kansas Catholic Conference, and Board Certified Obstetricians and Gynecologists. Opponents included representatives of Planned Parenthood, Women's Health Care Services, Kansas City Aid for Women's Clinics, Kansas Now, Central Women's Services, Wichita, Main Stream Coalition, and the League of Women Voters of Kansas.

The Division of the Budget states that the fiscal note, as stated by the Department of Health and Environment, would cost \$291,118 from the State General Fund. This estimate includes \$156,000 for a physician consultant and \$78,000 for a birthing consultant, \$47,620 for 1.0 FTE administrative position and \$9,498 for other operating expenditures. The fiscal effect of HB 2751 would be in addition to

amounts recommended in the *FY 2005 Governor's Budget Report*.