



Megan Byrnett

Bill Analysis
Legislative Service Commission

H.B. 392

126th General Assembly
(As Introduced)

Reps. Buehrer, Fessler, Reidelbach, Brinkman, Hagan, Law, Latta, Faber, Schneider, Seitz, Uecker, Schaffer, Taylor, Oelslager, Trakas, Gilb, Hood, Bulp, Hoops

BILL SUMMARY

- Requires physicians who perform abortions to complete and submit to the Department of Health an individual abortion report for each abortion performed.
- Requires hospitals to submit monthly and annual reports regarding the number of certain types of abortions performed.
- Requires the Department of Health to issue an annual report on abortions performed in Ohio.
- Requires the Ohio State Medical Board to inform physicians of the bill's reporting requirement.
- Authorizes the Medical Board to take disciplinary actions against physicians who fail to comply with the reporting requirement established by the bill.

CONTENT AND OPERATION

Report required for each abortion performed in Ohio

(R.C. 3701.79)

The bill establishes several reporting requirements for abortions performed in the state. Physicians performing abortions must prepare reports for each abortion performed and postabortion complication reports if necessary; hospitals must file monthly and annual reports regarding certain types of abortions performed; and the Department of Health must issue an annual report of abortion

data reported to the Department and make available the number of abortions performed by ZIP code of residence.

Physician reporting requirements

(R.C. 3701.79(C) to (F) and (H))

Under the bill, for each abortion¹ performed, the attending physician is required to complete an individual abortion report. The report is confidential and must not contain the name of the woman who received the abortion. The report must include the following information, to the extent the data is reported to the physician or is otherwise within the physician's knowledge:

(1) Patient number;²

(2) The name and address of the facility in which the abortion was performed, and whether the facility is a hospital,³ ambulatory surgical facility, physician's office, or other facility;

(3) The date of the abortion;

(4) All of the following information regarding the woman on whom the abortion was performed:

(a) Zip code of residence;

(b) Age;

(c) Race;

(d) Marital status;

¹ Under the bill, "abortion" means the purposeful termination of a human pregnancy by any person, including the pregnant woman herself, with an intention other than to produce a live birth or to remove a dead fetus or embryo (R.C. 2919.11, not in the bill).

² This term is not defined in the bill.

³ Under the bill, "hospital" means any building, structure, institution, or place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and medical or surgical care for three or more unrelated individuals suffering from illness, disease, injury, or deformity, and regularly making available at least clinical laboratory services, diagnostic x-ray services, treatment facilities for surgery or obstetrical care, or other definitive medical treatment, but does not include a "home" as defined in section 3721.01 of the Revised Code (R.C. 3701.79(A)(4)).

- (e) Number of previous pregnancies;
 - (f) Years of education;
 - (g) Number of living children;
 - (h) Number of previously induced abortions;
 - (i) Date of last induced abortion;
 - (j) Date of last live birth;
 - (k) Method of contraception at the time of conception;
 - (l) Date of last menstrual period;
 - (m) Medical condition at the time of the abortion;
 - (n) Rh-type;⁴
 - (o) The number of weeks of gestation at the time of the abortion.
- (5) The type of abortion procedure performed;
 - (6) Complications by type;
 - (7) Type of procedure performed after the abortion;
 - (8) Type of family planning recommended;
 - (9) Type of additional counseling given;
 - (10) Signature of attending physician.

The facility at which the abortion was performed must submit the report to the Department of Health not later than 15 days after the woman is discharged. The report must be made part of the woman's medical record at the facility.

⁴ An "Rh factor" is a group of proteins that occur on the surface of red blood cells in certain individuals. An individual demonstrating an Rh factor is called "Rh-positive," while an individual who does not demonstrate an Rh factor is "Rh-negative." A woman's Rh factor becomes significant during pregnancy if the woman is Rh-negative but her fetus is Rh-positive, as complication may arise ("Denise Chism, M.D., "Rh Disease and Pregnancy," available at http://my.webmd.com/content/article/4/1680_51841.htm, last visited October 28, 2005).

The bill also provides that the attending physician must complete the appropriate certificate of birth following an abortion performed after the 20th week of gestation.

The bill requires physicians to report each time the physician treats a postabortion complication on a report prescribed by the Department. The report must be signed by the physician and must be treated as confidential.

Hospital reporting requirements

(R.C. 3701.79(G))

Under the bill, each hospital must file monthly and annual reports⁵ listing the total number of women who have undergone an abortion past the 12th week of pregnancy and received postabortion care.⁶

Department of Health reporting requirements

(R.C. 3701.79(B) and (I))

Under the bill, the Department of Health must collect and collate the abortion data reported by physicians and hospitals. The bill requires the Department, not later than August 1 of each year, to issue an annual report of the abortion data reported to the Department for the previous calendar year. The report must include the following, at a minimum:

- (1) The total number of induced abortions;
- (2) The number of abortions performed on Ohio and out-of-state residents;
- (3) The number of abortions performed, sorted by each of the following:
 - (a) The age of the woman on whom the abortion was performed;
 - (b) The ethnic group of the woman on whom the abortion was performed;

⁵ *The monthly report must be filed not later than 30 days after the conclusion of the applicable reporting period. The annual report must be filed following the conclusion of the state's fiscal year (June 30).*

⁶ *Under the bill, "postabortion care" means care given after the uterus has been evacuated by abortion.*

(c) The education level of the woman on whom the abortion was performed;

(d) The marital status of the woman on whom the abortion was performed;

(e) The number of living children of the woman on whom the abortion was performed;

(f) The number of weeks of gestation of the woman at the time the abortion was performed;

(g) The county in which the abortion was performed;

(h) The type of abortion procedure performed;

(i) The number of abortions previously performed on the woman on whom the abortion was performed;

(j) The type of facility in which the abortion was performed;

(k) For Ohio residents, the county of residence of the woman on whom the abortion was performed.

(4) The number and type of the abortion complications reported to the Department either on the abortion report or the postabortion complication report.

The Department must make the report available upon request. The Department must also make available, on request, the number of abortions performed by ZIP code of residence.

Ohio State Medical Board to notify physicians of reporting requirement

(R.C. 4731.281)

Under current law, the Medical Board is required to mail to each person who holds a certificate of registration issued by the Board an application for registration renewal in accordance with a schedule established in statute. The bill requires each mailing to inform an applicant for registration renewal of the reporting requirement established by the bill (*see* "**Physician reporting requirements**" above). The information may be included on the application or on an accompanying page, at the discretion of the Board.

Enforcement

(R.C. 3701.79(J) and 4731.22)

The bill authorizes the Department of Health to apply to the court of common pleas for a temporary or permanent injunction restraining a violation or threatened violation of the bill's reporting requirements. Also, the bill authorizes the Medical Board to take disciplinary action against any physician who violates the reporting requirements (*see* "**Physician reporting requirements**" above).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-19-05	p. 1739

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