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HOUSE BILL NO. 1274

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 5.3, consisting of sections numbered 32.1-162.23 through 32.1-162.27, relating to reporting of abortion complications; penalties.*

 Patron—Janis

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 5.3, consisting of sections numbered 32.1-162.23 through 32.1-162.27, as follows:

CHAPTER 5.3.**ABORTION COMPLICATIONS REPORTING.****§ 32.1-162.23. Definitions.***As used in this chapter:*

"Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

"Department" means the Department of Health.

"Medical treatment" means, but is not limited to, hospitalization, laboratory tests, surgery, or prescription of drugs.

"Physician report" means the report required under § 32.1-162.24.

§ 32.1-162.24. Physician reports required.

A. A physician shall file a written report with the Department regarding each patient who comes under the physician's professional care and requires physical medical treatment or suffers death that the attending physician has a reasonable basis to believe is a primary, secondary, or tertiary result of an induced abortion.

B. The report shall be submitted within 30 days of the discharge or death of the patient treated for the complication, and shall contain all information required pursuant to § 32.1-162.26 that is available to the physician.

C. The physician report shall not contain the name of the woman, common identifiers such as her social security number or motor vehicle operator's license number, or other information or identifiers that would make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion.

§ 32.1-162.25. Duties of Department; annual report.

A. The Department shall summarize aggregate data from the physician reports required under this chapter for purposes of inclusion in an annual report.

B. The Department shall develop and distribute or make available online in a downloadable format a standardized form for the physician report.

C. The Department shall communicate this reporting requirement to all medical professional organizations, licensed physicians, hospitals, emergency rooms, abortion facilities, Department clinics, and ambulatory surgical facilities operating in the Commonwealth.

D. The Department shall maintain each physician report for five years from the date of its receipt, and thereafter shall destroy the report.

E. The Department shall not maintain statistical data that may reveal the identity of a woman obtaining or seeking to obtain an abortion, nor shall the Department or any employee thereof disclose to a person or entity outside the Department the reports or the contents of the reports required under this chapter in a manner or fashion as to permit the person or entity to whom the report is disclosed to identify in any way the person who is the subject of the report.

F. No state agency or employee thereof shall compare the data collected under this chapter with data in another electronic or other information system that would result in revealing in any manner or under any circumstances the identity of a woman obtaining or seeking to obtain an abortion.

§ 32.1-162.26. Contents of report.

A. Each physician report required under this chapter shall contain the following information:

1. The patient's age and race;

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59 2. The patient's residency status, including city, county, or town of residence;
60 3. The patient's marital status, education, number of previous pregnancies, number of stillbirths,
61 number of living children, and number of previous abortions;
62 4. The date the abortion was performed and the method used if known;
63 5. The approximate gestational age, in weeks, of the aborted fetus;
64 6. The date on which the abortion complication was diagnosed;
65 7. The name and type of facility where the abortion was performed;
66 8. Whether the physician performing an induced abortion has been subject to license revocation or
67 suspension or other professional sanction;
68 9. The condition of the patient that led to treatment, including, but not limited to, pelvic infection,
69 hemorrhage, damage to pelvic organs, renal failure, metabolic disorder, shock, embolism, coma, or
70 death;
71 10. The type of anesthetic, if any, used for each induced abortion; and
72 11. The amount billed to cover the treatment of the complication, including whether under: (i) a
73 fee-for-service insurance company; (ii) a managed care company; or (iii) another type of health benefit.
74 B. The charges in subdivision A 11 are to be coded with IDC-9 classification numbers in such a way
75 as to distinguish treatment following induced abortions from treatments following ectopic or molar
76 pregnancies.
77 C. Nothing in this chapter shall be construed as an instruction to discontinue collecting data
78 currently being collected.
79 § 32.1-162.27. Violation of the provisions of the chapter; penalties.
80 A. Except as provided in subsection B, willful violation of the provisions of this chapter shall
81 constitute a Class 1 misdemeanor.
82 B. Disclosure of confidential identifying information in violation of this chapter shall constitute a
83 felony which, upon conviction, shall be punished by imprisonment for not more than three years, or a
84 fine of not more than \$5,000, or both.
85 2. That the provisions of this act may result in a net increase in periods of imprisonment or
86 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot
87 be determined for periods of imprisonment in state adult correctional facilities and is \$0 for
88 periods of commitment to the custody of the Department of Juvenile Justice.