

2017 Regulatory Actions

Abortion Clinics

Prepared by the Agency for Health Care Administration
pursuant to section 390.012(8), Florida Statutes



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Introduction

In Florida, an abortion may only be performed by a physician in a licensed abortion clinic, licensed hospital, or in a physician's office¹. All abortions, regardless of facility or procedure type, shall be reported to the Agency for Health Care Administration (Agency)². The Agency is responsible for the regulatory oversight of abortion clinics and hospitals.

The Agency issues an abortion clinic license to applicants meeting the minimum requirements found in Chapter 390, Florida Statutes (F.S.) and Rule 59A-9, Florida Administrative Code (F.A.C.). Abortion clinics are authorized to perform procedures within the first trimester only, unless the additional licensure requirements for second trimester procedures are met. Third trimester abortions may only be performed in a hospital and only if specific requirements are met.

There were 62 licensed abortion clinics located in 18 counties as of December 31, 2017. Of these, 48 clinics were licensed to perform both first and second trimester abortions.

Table 1 Licensed Abortion Clinics by Population³ as of December 31, 2017

County	County Population	City	City Population	1st Trimester Only	1st & 2nd Trimester
Miami-Dade	2,743,095	Miami	467,875	1	8
		Hialeah	236,114	1	4
		Coral Gables	49,808	1	-
		North Miami Beach	45,437	-	1
Broward	1,873,970	Fort Lauderdale	179,063	1	2
		Pembroke Pines	163,103	1	-
		Hollywood	147,212	-	1
		Miramar	136,246	-	1
		Plantation	88,619	1	-
		Tamarac	63,910	-	1
Palm Beach	1,414,144	West Palm	110,396	-	1
		Boca Raton	91,797	1	-
		Wellington	61,775	-	1
Hillsborough	1,379,302	Tampa	373,058	-	6
Orange	1,313,880	Orlando	279,789	1	5
Pinellas	962,003	St Petersburg	263,768	-	3
		Clearwater	113,723	-	2
Duval	936,811	Jacksonville	891,207	1	3
Lee	698,468	Fort Myers	79,106	1	1
Polk	661,645	Lakeland	104,185	-	1
Seminole	454,757	Altamonte Springs	44,482	-	1
Sarasota	407,260	Sarasota	54,641	1	1
Collier	357,470	Naples	20,195	-	1
Osceola	337,614	Kissimmee	69,962	-	1
Escambia	313,381	Pensacola	54,071	-	1
St. Lucie	297,634	Fort Pierce	43,409	-	1
Leon	287,899	Tallahassee	189,625	1	-
Alachua	260,003	Gainesville	129,816	1	1
Martin	153,022	Stuart	16,183	1	-
			Totals	14	48

¹ S. 797.03, F.S.

² S. 390.0112, F.S.

³ Office of Economic and Demographic Research, "Florida Population Estimates for Counties and Municipalities: April 1, 2016, last accessed January 8, 2018.

License Activity

Applications

During the 2017 calendar year, the Agency received 44 abortion clinic applications for initial licensure (3) or to renew (34) or change (7) an existing license. No abortion clinic changed ownership. One of the completed initial applications was submitted by a licensee that let their license lapse for a short period. The change applications include one name change, one level change to include performing second trimester procedures, and five changes to clinic staff.

Table 2 Abortion Clinic Applications Received During the 2017 Calendar Year

Application Type	Completed	Pending
Initial	2	1
Renewal	29	5
Change	6	1
Totals	37	7

Inspections

The Agency conducts an inspection for compliance with Chapter 390, F.S. and Rule 59A-9, F.A.C. prior to initial licensure and annually thereafter. The Agency also investigates complaints against abortion clinics and allegations of unlicensed activity.

The Agency conducted 55 licensure and complaint inspections at licensed clinics during calendar year 2017. Deficient practice was identified during 15 licensure inspections. The three (3) complaint investigations involved quality of care allegations. None of the allegations were substantiated. Two (2) inspections were conducted at unlicensed facilities. None of the allegations of unlicensed activity were substantiated. Refer to Table 3 for a list and frequency of the deficiencies identified during the year.

Upon notification of a deficiency, clinics are provided ten (10) calendar days to submit an acceptable plan of correction. The Agency reviews each plan to determine if it corrects the deficiencies. An acceptable plan was received timely for each cited deficiency.

Table 3 Deficient Practice Cited During the 2017 Calendar Year

Citation ID	Regulatory Reference	Description	Times Cited
AZ814	435.12(2)(b-d), FS	Provider failed to maintain the background screening personnel roster	4
A0250	59A-9.024, FAC	Provider failed to maintain current policies or could not produce documentation verifying the annual policy review was completed	3
A0400	59A-9.027, FAC	Inadequate staffing or incomplete documentation of recovery room supervision	3
AZ818	408.810(5) FS	Provider failed to ensure patients were informed of the toll free numbers to report complaints, abuse, and fraud	3
A0050	390.014(2) FS	Provider failed to update the licensure information	2
A0100	59A-9.022, FAC	Lack of adequate cleaning space or supplies/equipment	2
A0153	59A-9.0225(4), FAC	Expired medications not removed from inventory	2
A0302	59A-9.025(3)	Provider failed to remove expired supplies from inventory	2
A0362	390.0111(3)(a), FS	Missing documentation regarding informed consent	2
AZ803	408.804, FS	Provider failed to display the license in a conspicuous place.	2
AZ816	408.809, FS	Provider files missing the background screening attestation form	2

Table 3 Deficient Practice Cited During the 2017 Calendar Year - *continued*

Citation ID	Regulatory Reference	Description	Times Cited
A0150	59A-9.0225(1), FAC	Provider failed to have a functioning exam light	1
A0151	59A-9.0225(2), FAC	Inadequate suction equipment/supplies	1
A0201	59A-9.023(1-3), FAC	Missing documentation regarding staff training/competencies	1
A0350	59A-9.026, FAC	Missing documentation regarding nurse assistant	1

Required Reporting

Induced Termination of Pregnancy (ITOP)

All licensed abortion clinics must file a report each month summarizing the number of and reason for abortions performed during the preceding month. Hospitals and physicians must also report any abortions performed in their medical facilities and offices. The Agency posts year-to-date data, including the previous three calendar years on the Agency's website. The reports may be viewed at:

http://ahca.myflorida.com/MCHQ/Central_Services/Training_Support/Reports.shtml

Incident Reports

Abortion clinics licensed to perform second trimester abortions must record any incident resulting in serious injury to a patient or viable fetus. The incident must be reported in writing to the Agency within ten (10) days of its occurrence. Serious injury is defined as one that creates a serious risk of substantial impairment of a major bodily organ. An abortion clinic must also report a patient's death to the Department of Health not later than the next workday. One report of excessive bleeding and one report of perforation of the uterus was reported. No patient deaths were reported during calendar year 2017.

Administrative Actions

The Agency may fine an abortion clinic up to \$1,000 for each violation of chapters 390 or 408, Part II, F.S., or applicable rules, except failing to timely file a monthly ITOP report will initiate a \$200 fine. The Agency considers several factors prior to levying a fine, including:

- Severity of the violation (actual or potential harm to a patient);
- Actions taken by the clinic to correct the situation;
- The clinic's history of the same or similar violation;
- The Agency's history of fine amounts for the same or similar violation.

Twelve administrative actions were initiated during 2017 resulting in \$5,500 in fines being assessed. Ten of the actions were due to late ITOP submissions. No licensed abortion clinic failed to submit an ITOP report.