

2019 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 56 licensed abortion clinics located in 18 counties as of December 31, 2019. Of these, 42 clinics were licensed to perform both first and second trimester abortions.

Table 1 Licensed Abortion Clinics by Population³ as of December 31, 2019

County	County Population	City	City Population	1st Trimester Only	1st & 2nd Trimester
MIAMI-DADE	2,812,130	MIAMI	490,947	2	6
		HIALEAH	239,722	1	4
		CORAL GABLES	50,635	1	-
BROWARD	1,919,644	FORT LAUDERDALE	186,220	1	1
		PEMBROKE PINES	168,023	1	-
		HOLLYWOOD	150,878	-	1
		MIRAMAR	138,837	-	1
		PLANTATION	90,354	1	-
		TAMARAC	65,377	-	1
		PALM BEACH	1,447,857	WEST PALM BEACH	115,176
		BOCA RATON	94,488	1	-
		WELLINGTON	62,373	-	1
HILLSBOROUGH	1,444,870	TAMPA	390,473	-	6
ORANGE	1,386,080	ORLANDO	291,800	-	2
PINELLAS	978,045	ST PETERSBURG	269,357	-	3
		CLEARWATER	116,585	-	2
DUVAL	970,672	JACKSONVILLE	924,900	1	3
LEE	735,148	FORT MYERS	87,871	1	1
POLK	690,606	LAKELAND	107,552	-	1
SEMINOLE	471,735	ALTAMONTE SPRINGS	45,293	-	1
SARASOTA	426,275	SARASOTA	56,692	1	1
COLLIER	376,706	NAPLES	20,922	-	1
OSCEOLA	370,552	KISSIMMEE	74,800	-	1
ESCAMBIA	321,134	PENSACOLA	55,226	-	1
ST. LUCIE	309,359	FORT PIERCE	43,653	-	1
LEON	296,499	TALLAHASSEE	195,713	1	1
ALACHUA	267,306	GAINESVILLE	133,068	1	1
MARTIN	158,598	STUART	16,504	1	-
Totals				14	42

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, 2019, last accessed December 26, 2019.

License Activity

Applications

During the 2019 calendar year, the Agency received 35 abortion clinic applications. One application for initial licensure, 28 for license renewal, and 6 to change an existing license. The change applications included 3 address changes, 2 personnel changes, and 1 voluntary termination. No abortion clinic changed ownership.

Table 2 Abortion Clinic Applications Received During the 2019 Calendar Year

Application Type	Completed	Pending
Initial	1	0
Renewal	25	3
Change	4	2
Totals	30	5

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 43 licensure and 5 complaint inspections during calendar year 2019. Deficient practice was identified during 4 of the licensure inspections and 3 of the complaint inspections. Refer to Table 3 for a list and frequency of the deficiencies identified during the year.

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

Table 3 Deficient Practice Cited During the 2019 Calendar Year

Citation ID	Regulatory Reference	Description	Times Cited
A0050	s. 390.014(2), FS	Failure to display the facility license in a conspicuous place.	1
A0100	59A-9.022, FAC	Failure to have a handwashing station equipped with mixing valve and wrist blades in each exam/procedure room.	1
A0153	59A-9.0225(4), FAC	Failure to remove expired medications from the crash cart.	1
A0156	59A-9.0225(7), FAC	Failure to store all portable oxygen cylinders in a secured rack.	1
A0201	59A-9.023(1-3), FAC	Failure to have a medical director.	1
A0302	59A-9.025(3), FAC	Failure to remove expired supplies from inventory.	1
A0400	59A-9.027, FAC	Failure to assure all recovery room staff have current cardiopulmonary resuscitation (CPR) certification.	1
A0500	59A-9.029, FAC	Failure to report an adverse incident to the Agency within 10 days after the incident.	1
A0600	59A-9.031(1), FAC	Failure to maintain a complete and accurate medical record on all patients.	2
Z818	s. 408.810(5), FS	Failure to provide written information to patients for reporting abuse/neglect, complaints, exploitation and Medicaid fraud.	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 previous 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 to the Agency within 10 days of its occurrence through a secure online portal. 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. A total of 6 reports were received by the Agency: 5 reports of excessive bleeding and 1 report of anaphylactic reaction. No patient deaths were reported during calendar year 2019.

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 result in 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 2019 resulting in \$2,700 in assessed fines. One clinic was fined \$500 for survey deficiencies and 11 were due to late ITOP submissions. No licensed abortion clinic failed to submit an ITOP report. The Agency did not take any revocation action in 2019.