

2020 Regulatory Actions

Abortion Clinics

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



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Executive Summary

The Agency for Health Care Administration (Agency) is the chief health policy and planning entity for Florida¹. Its responsibilities include, in part; health facility licensure, inspection, and regulatory enforcement including investigation of consumer complaints related to health care facilities and managed care plans.

Section 390.012(8), Florida Statutes (F.S) directs the Agency to submit a report to the President of the Senate and the Speaker of the House of Representatives summarizing all regulatory actions taken by the Agency during the prior year on abortion clinics. Actions include licensure application reviews, inspections, collection of Induced Termination of Pregnancy (ITOP) reports, and administrative actions.

From January 1, 2020 through December 31, 2020, the Agency:

- Received 39 licensure applications;
- Conducted 34 on-site inspections;
- Received 100% of the required ITOP reports from licensed abortion clinics;
- Initiated 13 administrative actions.

¹ S. 20.42, F.S.

Background

In Florida, an abortion may only be performed by a physician in a licensed abortion clinic, licensed hospital, or in a physician's office². All abortions, regardless of facility or procedure type, shall be reported to the Agency³. 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, 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 conditions are met.

There were 56 licensed abortion clinics located in 17 counties as of December 31, 2020. Of these, 43 clinics were licensed to perform both first and second trimester abortions.

Table 1 Licensed Abortion Clinics by Population⁴ as of December 31, 2020

County	County Population	City	City Population	1st Trimester Only	1st & 2nd Trimester
MIAMI-DADE	2,832,794	MIAMI	497,924	2	6
		HIALEAH	239,956	1	4
		CORAL GABLES	51,133	1	-
BROWARD	1,932,212	FORT LAUDERDALE	189,321	1	1
		PEMBROKE PINES	168,949	1	-
		HOLLYWOOD	151,818	-	1
		MIRAMAR	138,873	-	1
		PLANTATION	90,802	1	-
		TAMARAC	66,089	-	1
		HILLSBOROUGH	1,478,759	TAMPA	392,953
PALM BEACH	1,466,494	WEST PALM BEACH	116,781	-	1
		BOCA RATON	95,139	1	-
		WELLINGTON	62,650	-	1
ORANGE	1,415,260	ORLANDO	298,943	-	2
PINELLAS	984,054	ST PETERSBURG	271,044	-	3
		CLEARWATER	118,017	-	2
DUVAL	982,080	JACKSONVILLE	936,250	1	3
LEE	750,493	FORT MYERS	92,599	1	1
POLK	715,090	LAKELAND	109,238	-	1
SEMINOLE	476,727	ALTAMONTE SPRINGS	45,304	-	1
SARASOTA	438,816	SARASOTA	57,683	1	1
COLLIER	387,450	NAPLES	21,063	-	1
OSCEOLA	387,055	KISSIMMEE	75,644	-	1
ESCAMBIA	323,714	PENSACOLA	55,498	-	1
ST. LUCIE	322,265	PORT SAINT LUCIE	202,914	1	-
		FORT PIERCE	44,476	-	1
LEON	299,484	TALLAHASSEE	198,627	1	1
ALACHUA	271,588	GAINESVILLE	135,097	0	2
Totals				13	43

² S. 797.03, F.S.

³ S. 390.0112, F.S.

⁴ Office of Economic and Demographic Research, "Florida Population Estimates for Counties and Municipalities: April 1, 2020, last revised December 24, 2020, last accessed January 13, 2021.

License Activity

Applications

During the 2020 calendar year, the Agency received 39 abortion clinic applications. The one application for initial licensure was submitted by an entity that was previously licensed. Eighteen applications were to renew existing licenses and 20 applications to change existing licenses. The change applications included 5 address changes, 5 personnel changes, and 10 changes to their management companies. No abortion clinic changed ownership or terminated its licensure.

Table 2 Abortion Clinic Applications Received During the 2020 Calendar Year

Application Type	Completed	Pending
Initial	0	1
Renewal	16	2
Change	20	0
Totals	36	3

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 27 licensure and 5 complaint inspections at licensed abortion clinics during calendar year 2020. In addition, 2 allegations of unlicensed activity were investigated and found to be unsubstantiated. Deficient practice was identified during 3 of the licensure 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. One plan review is complete and 2 are ongoing.

Table 3 Deficient Practice Cited During the 2020 Calendar Year

Citation ID	Regulatory Reference	Description	Times Cited
A0100	59A-9.022, F.A.C.	Failed to ensure that the handwashing station in the procedure room was equipped with wrist blades.	1
A0150	59A-9.0225(1), F.A.C.	Failed to maintain required supplies.	1
A0154	59A-9.0225(5), F.A.C.	Failed to properly maintain sterilization equipment.	1
A0156	59A-9.0225(7), F.A.C.	Failed to ensure proper operation of sterilization equipment.	1
A0201	59A-9.023(1-3), F.A.C.	Failed to provide evidence of personnel records.	1
A0202	59A-9.023(4-5), F.A.C.	Failed to maintain staff training documentation.	1
A0250	59A-9.024, F.A.C.	Failed to ensure implementation of its policies and procedures.	1
A0301	59A-9.025(2), (4-8), F.A.C.	Failed to provide evidence of training and equipment maintenance.	1
A0390	390.01114(5), F.S.	Failed to provide an informed consent form with a notary seal.	1
A0400	59A-9.027, F.A.C.	Failed to assure continuous recovery room staffing.	1
CZ817	408.810(3-4) F.S.	Failed to report a change in medical director to the agency.	1
CZ824	408.811 F.S.	Failed to provide personnel records and access to staff.	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 3 reports were received by the Agency: 1 report of excessive bleeding and 2 reports of perforation of the uterus. No patient deaths were reported during calendar year 2020.

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.

Thirteen administrative actions were initiated during 2020 resulting in \$4,400 in assessed fees or fines.

- 2 survey deficiency fines of \$500 each;
- 7 late ITOP submissions of \$200 each;
- 4 late application fees of \$500 each.