

2021 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, 2021, through December 31, 2021, the Agency:

- Received 43 licensure applications;
- Conducted 55 on-site inspections;
- Received 100% of the required ITOP reports from licensed abortion clinics;
- Initiated 9 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 57 licensed abortion clinics located in 17 counties as of December 31, 2021. 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, 2021

County	County Population	City	City Population	1st Trimester Only	1st & 2nd Trimester
MIAMI-DADE	2,731,939	MIAMI	449,747	2	6
		HIALEAH	225,493	1	4
		CORAL GABLES	50,193	1	-
BROWARD	1,955,375	FORT LAUDERDALE	1186,076	1	1
		PEMBROKE PINES	170,857	1	-
		HOLLYWOOD	153,854	-	1
		MIRAMAR	136,007	-	1
		PLANTATION	92,628	1	-
		TAMARAC	72,509	-	1
		HILLSBOROUGH	1,490,374	TAMPA	391,800
PALM BEACH	1,502,495	WEST PALM BEACH	119,255	1	2
		BOCA RATON	98,046	1	-
ORANGE	1,457,940	ORLANDO	314,506	-	2
PINELLAS	964,490	ST PETERSBURG	260,778	-	3
		CLEARWATER	117,800	-	2
DUVAL	1,016,809	JACKSONVILLE	970,562	1	3
LEE	782,579	FORT MYERS	91,544	1	1
POLK	748,365	LAKELAND	116,421	-	1
SEMINOLE	477,455	ALTAMONTE SPRINGS	46,735	-	1
SARASOTA	441,508	SARASOTA	55,386	1	1
COLLIER	382,680	NAPLES	19,186	-	1
OSCEOLA	406,460	KISSIMMEE	80,999	-	1
ESCAMBIA	324,458	PENSACOLA	54,490	-	1
ST. LUCIE	340,060	PORT SAINT LUCIE	214,514	1	-
		FORT PIERCE	48,038	-	1
LEON	295,921	TALLAHASSEE	198,371	1	1
ALACHUA	284,607	GAINESVILLE	143,835	-	2
Totals				14	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, 2021, last revised December 28, 2021, last accessed January 4, 2022.

License Activity

Applications

During the 2021 calendar year, the Agency received 43 abortion clinic applications. Twenty-nine applications were to renew existing licenses, 13 applications to change existing licenses and 1 application for change of ownership (CHOW). The change applications included 1 address change, 9 personnel changes, 1 change of clinic hours, and 2 changes to terminate their licensure. There were no new initial abortion clinic applications.

Table 2 Abortion Clinic Applications Received During the 2021 Calendar Year

Application Type	Completed	Pending	Withdrawn
Initial	0	0	0
Renewal	26	2	1*
Change	9	4	0
CHOW	1	0	0
Totals	36	6	1

*One renewal application was administratively withdrawn upon approval of the CHOW application.

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 53 licensure and 2 complaint inspections at licensed abortion clinics during calendar year 2021. In addition, 1 allegation of unlicensed activity was investigated and found to be unsubstantiated. Deficient practice was identified during 7 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 pending and 5 are complete.

Table 3 Deficient Practice Cited During the 2021 Calendar Year

Citation ID	Regulatory Reference	Description	Times Cited
A0150	59A-9.0225(1), FAC	Failed to maintain emergency supplies for intravenous (IV) fluids for treatment of patients experiencing complications	1
A0153	59A-9.0225(4), FAC	Failed to ensure all medications within the emergency box were within the manufacturer's safe use date.	1
A0154	59A-9.0225(5), FAC	Failed to adhere to proper sterilization techniques for surgical instruments based on policy and equipment manufacturer recommendations	1
A0156	59A-9.0225(7), FAC	Failed to maintain equipment in good repair.	1
A0201	390.0111(2) FS 59A-9.023(1-3), FAC	Failed to keep complete personnel files.	1
A0202	59A-9.023(4-5), FAC	Failed to provide annual training for 1 of 4 employees	1
A0250	59A-9.024, FAC	Failed to properly label, store, and secure medication; failed to review procedure manually annually and ensure personnel followed the medication preparation policy.	3
A0302	59A-9.025(3), FAC	Failed to ensure all supplies were within the manufacturer's safe use date.	1

Table 3 Deficient Practice Cited During the 2021 Calendar Year - continued

Citation ID	Regulatory Reference	Description	Times Cited
A0362	390.0111(3)(a), FS	Failed to have a qualified ultrasound operator.	1
A0400	59A-9.027, FAC	Failed to have sufficient staff monitoring patients in the recovery room.	1
A0500	59A-9.029, FAC	Failed to report an adverse incident	1
A0600	59A-9.031(1), FAC	Failed to ensure patient records contained the patient's discharge status.	1
CZ818	408.810(5) FS	Failed to inform the patient at their first day of service of their rights to report a complaint.	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 5 reports were received by the Agency: 3 report of excessive bleeding and 2 reports of perforation of the uterus. No patient deaths were reported during calendar year 2021.

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.

Nine administrative actions were initiated during 2021 resulting in \$8,600.00 in assessed fees or fines.

- 1 survey deficiency fine of \$7,000;
- 8 late ITOP submissions of \$200 each.