

DATE: July 15, 2019

TO: Executive Board
Indiana State Department of Health

FROM: Matt Foster 
Assistant Commissioner
Consumer Service & Health Care Regulation Commission

RE: Final Adoption Abortion Clinic Licensure (410 IAC 26; LSA #19-164) and Drug Induced Abortion Clinics Licensure (410 IAC 26.5; LSA #19-163)

The Indiana State Department of Health (ISDH), Acute Care Division, requests the Executive Board, at the Board's July 24, 2019 meeting, finally adopt the amendments to the Surgical Abortion Clinic Licensure rule (410 IAC 26; LSA #19-164) and the addition of the Drug Induced Abortion Clinics Licensure rule (410 IAC 26.5; LSA #19-163).

ISDH is making several changes to the abortion clinic licensure rules in response to new legislative requirements. In 2017, the Indiana General Assembly passed SEA 404 which requires ISDH to update its abortion clinic licensure rules. ISDH was required to include provisions to:

- Separate rules for clinics offering surgical and abortion inducing drugs
- Add procedures to monitor patients after the administration of anesthesia
- Add procedures for follow-up care for patient complications
- Add a requirement for the provision of informed consent brochures
- Add a requirement for the provision of a hotline telephone number for cases of suspected coerced abortion or sex trafficking
- Require training of clinic staff by law enforcement to help identify and assist women who are coerced into abortion or victims of sex trafficking
- Require documentation requiring patient signature to be documented in patient medical records
- Establish procedures for clinics implementing a plan of correction and for ISDH if the clinic fails to follow the plan of correction

In 2018, the Indiana Legislature required ISDH to make additional changes. They are:

- Updating information required to be provided in an application for licensure

- For drug induced abortions, to have physicians provide manufacturers' instruction sheets and patient agreement forms to patients for signature with the provider retaining a copy

These rule updates also include some technical corrections and updates.

The Notice of Intent to Adopt a Rule was published in the Indiana Register on March 20, 2019 starting the one year period to adopt this rule. The Executive Board reviewed the proposed draft of this rule at the January 9 Executive Board meeting. ISDH has not changed the rules from the proposed rule versions.