



Arkansas Department of Health

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Governor Asa Hutchinson
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PROPOSED REVISIONS TO RULES FOR ABORTION FACILITIES IN ARKANSAS

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PURPOSE

The Arkansas Department of Health (Department) is seeking Governor Hutchinson's review of proposed amendments to the Rules for Abortion Facilities in Arkansas.

BACKGROUND

Pursuant to A.C.A. § 20-9-302 et seq., the Department has authority to promulgate the Rules for Abortion Facilities in Arkansas. These rules establish minimum standards for licensure, operation and maintenance of Abortion Facilities.. These standards are not static and are subject to periodic revisions.

KEY POINTS

The proposed rule:

- Adds definitions.
- Makes Changes to comply with Acts 346, 498, 560, 562, 740, 787, and 949 of 2021.

DISCUSSION

The Rules for Abortion Facilities in Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by Acts 509 of 1983 and 1176 of 2011; Ark. Code Ann. § 20-9-302 as amended, and other laws of the State of Arkansas.

There were seven legislative acts – Act 346, Act 498, Act 560, Act 562, Act 740, Act 787, and Act 949– which required modification to the Rules for Abortion Facilities in Arkansas

The following changes are proposed:

- Section 3: Definitions revised or added as listed below
 - 3.J. Chemical Abortion (Act 560)
 - 3.T. Hospital (Act 740)
 - 3.AA. Medical Emergencies (Act 498 and 560)

- 3.KK. Qualified Technician (Act 498)
- Section 6: General Administration
 - 6.J.1. - Added all abortion types (Act 560)
 - 6.J.4. – Chemical abortion requirements; Added “medical” (Act 560)
 - 6.M.6.c. – Added reference to written agreements abortion facilities (Act 740)
 - 6.M.23. – Change timeframe for follow-up visit after performance of an abortion and clarifying reason for the follow-up visit. (Act 562)
 - 6.N.2. - Added all abortion types (Act 560)
 - 6.N.3. – Chemical Abortion reporting requirement. Added “medical” (Act 560)
 - 6.Q. – Written Agreement requirement. (Act 740)
- Section 7: Patient Care Services
 - 7.B.3. – Staffing requirements for ultrasound (Act 498)
 - 7.F.1. – Change timeframe for follow-up visit (Act 562)
 - 7.H.7. – Add counseling requirement for chemical abortion. Added “medical” (Act 560)
 - 7.L. – Add Pelvic examination on unconscious or anesthetized patient requirement (Act 346)
- Section 8: Program Requirements
 - 8.A.3 – Ultrasound viewing requirement (Act 498)
 - 8.A.5. – Consent requirement with reference to 6.J.4. (Act 560)
- Section 9: Health Information Services
 - 9.B.2.b. – Documentation regarding Chemical abortion. Added “medical” (Act 560)
 - 9.B.3.e. – Ultrasound right to view requirement changes. (Act 498)
 - 9.B.11. – Documentation of efforts utilized to ensure follow-up visit. (Act 562)
- Section 12: Physical Facilities; Abortion Facilities
 - 12.I.2. National Human Trafficking Posting requirement (Act 740)
- Section 13: Forms
 - Informed consent – update to include 1) chemical abortion description and risk, 2) information on chemical abortion, 3) Laura’s card, and 4) new ADH logo. Added” medical” (Act 560)
 - Abortion Disclosure and consent – Capitalization errors corrected and new ADH logo.
- Section 14: Appendices (New Section)
 - Appendix 1 – Prevention of Forced Abortions
 - Appendix 2 - Human Trafficking Poster
 - Appendix 3 – Laura’s Card
- Section 15: Severability
- Changed Section # from 14 to 15

RECOMMENDATION

We recommend that the proposed amendments to the Rules for Abortion Facilities in Arkansas be approved as proposed by the Department.