

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Abortion Alternatives (LAC 48:V.12314)

The Department of Health and Hospitals, Office of Public Health adopts the following emergency rule pursuant to R.S. 49:950 et seq. and pursuant to Act 648 of the 1995 Regular Session of the Louisiana Legislature, relative to informed consent of a woman prior to an abortion being performed. This emergency rule shall be effective beginning January 12, 1996 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

The adoption of this rule is necessary because there exists an urgency for the need of obtaining informed consent of a pregnant woman prior to the performance of an abortion. As expressed by the Louisiana Legislature in Act 648, there are risks to a woman's reproductive health associated with different abortion methods, "devastating psychological consequences" can result when an abortion is elected without a woman being fully informed, the "medical, emotional and psychological consequences of an abortion are serious and can be lasting", and it is "imperative that [the decision to abort] be made with full knowledge of its nature and consequences." (See Act 648).

Title 48

PUBLIC HEALTH - GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 123. Documents Related Abortion - Informed Consent

§12314. Documents Related to Informed Consent - Abortion; Distribution and Reporting Procedures

A. Distribution

1. The printed materials which the department is required to publish pursuant to Act 648 of the 1995 Regular Legislative Session shall be made available at no cost, upon request by any person, facility or hospital. Such materials shall include the pamphlet (entitled *Abortion: Making A Decision*) describing fetal development and the risks associated with different abortion methods, the directory of agencies which provide "abortion alternative services" and the certification form (PHS 16-IC) and accompanying instruction sheet.

2. The facility or hospital requesting the pamphlet, directory or certification form shall direct all requests, via mail or facsimile to the following: The Office of Public Health, 325 Loyola Avenue, Room 610, New Orleans, LA 70112, (504) 568-5330, FAX: (504) 568-3786,

3. The following information shall be included in the request by a facility or hospital:

- (a). name of the person, facility or hospital making the request;
- (b). total number of pamphlets and directories requested;
- (c). total number of certification forms requested.

4. An individual who is not representing a physician, facility or hospital may request the materials by calling the Office of Public Health at the number listed in Subsection A.2 herein. The materials will be mailed to the individual.

B. Reporting

1. A physician shall report the following information to the department within 15 days of the information and materials being provided:

- (a). name and address of the facility where the required information was provided;
- (b). information as required by R.S. 40:1299.35.10(A)(1) and (4) through (18) inclusive; and
- (c). copy of the certification form, if executed by the woman.

2. A physician who performs an abortion shall report the following information to the department within 15 days of the abortion:

- (a). all information as required by R.S. 40:1299.35.10;
- (b). date upon which the required information and materials were provided; and
- (c). executed copy of the certification form.

Note: A physician who reports under Subsection B.2 need not comply with the reporting requirements of Subsection B.1 herein.

3. In addition to the reporting requirements set forth in Paragraphs 1 and 2 above, a physician who performs abortions shall report to the department the total number of executed certification forms received monthly. The total number of certification forms received during the calendar month shall be reported within seven days following that calendar month.

4. The information required to be reported pursuant to Subsection B.1, 2 and 3 herein shall be reported to the department, the Office of Public Health at the following address: Director and State Registrar, Division

of Records and Statistics, Office of Public Health, Box 60630, New Orleans, LA 70160.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.35.6.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 22:

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