

Abortion Reporting Requirements & Regulatory Violations

The Texas Catholic Conference *supports ensuring that abortion reporting is accurate and includes maternal outcomes, and that abortion regulatory violations are strongly enforced.*

As well as the mother, there are often other people too who decide upon the death of the child in the womb...Doctors and nurses are also responsible, when they place at the service of death skills which were acquired for promoting life. But responsibility likewise falls on the legislators who have promoted and approved abortion laws, and, to the extent that they have a say in the matter, on the administrators of the health-care centers where abortions are performed. *(Pope John Paul II, Evangelium Vitae)*

A Texas Bishop Speaks:

"Abortion hurts everyone. It ends a young life and in doing so the community suffers. But we also cannot forget the harm done to mothers as well. It is vital that we have accurate information about the physical and psychological effects of abortion on the mother."



-Bishop Michael Mulvey, Diocese of Corpus Christi

Church Teaching

- ★ Those who are responsible for enforcement of abortion regulations should carry out their duty with consistency and objectivity. We are concerned about reports of violations in San Antonio abortion clinics and we call on the state for full and consistent enforcement in this regard. *(Bishop Oscar Cantú, Archdiocese of San Antonio)*
- ★ The inalienable rights of the person must be recognized and respected by civil society and the political authority. These human rights depend neither on single individuals nor on parents; nor do they represent a concession made by society and the State: they pertain to human nature and are inherent in the person by virtue of the creative act from which the person took his or her origin. Among such fundamental rights one should mention in this regard: every human being's right to life and physical integrity from the moment of conception until death; the rights of the family and of marriage as an institution and, in this area, the child's right to be conceived, brought into the world and brought up by his parents. *(Congregation for the Doctrine of the Faith, Donum Vitae)*
- ★ The problem of procured abortion and of its possible legal liberalization has become more or less everywhere the subject of impassioned discussions. These debates would be less grave were it not a question of human life, a primordial value, which must be protected and promoted. Everyone understands this, although many look for reasons, even against all evidence, to promote the use of abortion. *(Congregation for the Doctrine of the Faith, Declaration on Procured Abortion)*

Resources

- ★ **US Conference of Catholic Bishops** Abortion resource page (www.USCCB.org/prolife/issues/abortion/)
- ★ **Second Look Project** (www.SecondLookProject.org)
- ★ **National Catholic Bioethics Center** (NCBC) conducts research, consultation, publishing and education to promote human dignity in health care and the life sciences, and derives its message directly from the teachings of the Catholic Church (www.NCBCenter.org)
- ★ **Texas Department of State Health Services** (www.dshs.state.tx.us/)

The Texas Catholic Conference (TCC) is the association of the 15 Roman Catholic dioceses of the State of Texas, and is the Official Public Policy Voice of the Catholic Bishops of Texas.

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Accurate reporting of abortions in Texas is necessary. This data can be used to track the effectiveness of legislation and other efforts aimed at reducing abortion in Texas. It can also help abortion alternatives providers and other groups to analyze factors that correlate with various abortion trends and create targeted strategies aimed at reducing abortion. Because Texas abortion providers are already required to report statistics, the process of adding additional statistics for reporting does not add an overbearing burden to abortion facilities. In addition, requiring clinics to report instances where a woman is injured allows the collection of data which can be used as a public information tool and to identify injuries correlated with specific procedures.

In Spring 2009, the Texas Department of State Health Services responded to a legislator's inquiry regarding Planned Parenthood abortion services facilities stating that preliminary information indicated that four unlicensed facilities in San Antonio were performing abortions. These centers were issued cease and desist orders. Five additional Planned Parenthood facilities were issued a notice of violation for not following licensure requirements.ⁱ Strong enforcement of violations is necessary to ensure that facilities meet State regulations.

The Texas Catholic Conference also supports applying ambulatory surgical center standards to all abortion clinics, which would include a mandatory state inspection of abortion clinics once every three years. Regular inspections would identify a clinic's compliance with the law and allow any violations to be dealt with accordingly.

Texas law provides minimum standards for abortion facilities regarding physicians and staff, sanitary and hygienic conditions, equipment, and clinical records, in addition to reporting requirements. Abortion facilities may be inspected at "reasonable times as necessary to ensure compliance" with the law (Health and Safety Code, Chapter 245).

The Texas Department of State Health Services issued 20 abortion facility violations that resulted in enforcement actions between November 2000 and October 2007.^{ii,iii} Two abortion facilities were in violation of the law twice in this time period. Facility violations ranged in nature and included the following:

- Operating an abortion facility without a license.
- Failure to ensure that abortions were not performed on female minors without parental notification or consent.
- Failure to develop, implement and enforce personnel policies related to patient rights and duty to report child abuse.
- Failure to have a safe and sanitary environment that is properly constructed, equipped, and maintained to protect the health and safety of patients and staff at all times.
- Failure to have licensed nursing staff at the Facility.
- Failure to have a midlevel provider, a registered nurse, or licensed vocational nurse, and at least two other staff members, as part of the Facility's quality assurance committee.
- Failure of the facility to obtain the required Texas pharmacy license to distribute medication.
- Failure to ensure the Quality Assurance committee performed a periodic review of any post-abortion complication(s), in accordance with facility policy/procedure.

(Last updated August 5, 2010, 82nd Legislative Session)

ⁱ Lakey, M.D., David L. "Letter regarding Planned Parenthood Abortion Services Facilities in Texas." Letter to The Honorable Phil King. 6 Apr. 2009. MS. Texas Department of State Health Services, Austin, Texas.

ⁱⁱ *Health Facility Licensing and Compliance Enforcement Actions: Abortion Facilities November 2000 - Current Date*. Rep. Texas Department of State Health Services, 14 Jan. 2009. Web. 5 Aug. 2010. <www.dshs.state.tx.us/HFP/PDF/Abortion_enforce.pdf>.

ⁱⁱⁱ *Health Facility Licensing and Compliance Enforcement Actions: Abortion Facilities June 2009- June 2010*. Rep. Texas Department of State Health Services, 10 June 2010. Web. 5 Aug. 2010. <www.dshs.state.tx.us/HFP/PDF/EnfActions/Abortion_enforce.pdf>.