

POLICY BRIEF

HB 1855 Clinic Safety Act

Summary: Arkansas law requires the Arkansas Department of Health to conduct "periodic" inspections of surgical abortion clinics, but only in clinics where performing abortions is a primary function of the clinic. There is a loophole in our current law that allows some abortion clinics to operate without ever being inspected. For example, a clinic in Fayetteville, claiming to be primarily an obstetrics and gynecology clinic, performed thousands of abortions without being inspected by the Health Department. In addition, our current law does not require clinics that perform medical (drug-induced) abortions to be inspected. With the development of abortion-causing drugs the number of these abortions has steadily risen. This law makes our current abortion clinic inspection laws more up-to-date, and it ensures greater safety for women seeking abortions.

Sponsor: Representative Butch Wilkins

Points to Consider

- This is an issue of women's safety. They deserve a facility that is safe, clean, and well-run. On Sept. 28, 2010, CNN White House Correspondent Suzanne Malveaux reported that President Obama said abortion should be, "safe, legal and rare." This bill helps ensure safety.
- This bill closes a loophole in Arkansas' abortion clinic inspection law. Clinics performing 10 or more abortions per month would have to be inspected. Currently, obstetrics and gynecology clinics that do hundreds or even thousands of abortions per year don't have to be inspected.
- Today, about one-fifth of the abortions done in Arkansas are medical (drug-induced) abortions rather than surgical abortions. These medical abortions are done at facilities that are not inspected by the Health Department. This bill would require facilities performing 10 or more medical, as well as surgical, abortions to be inspected by the Health Department.
- Abortion clinics that maintain high standards shouldn't mind being inspected.
- In September of 2010, Louisiana health officials inspected an abortion clinic in Shreveport and found numerous violations. The State of Louisiana temporarily closed the clinic until it could be brought up to proper operating standards.
- An abortion clinic, operated by Dr. Kermit Gosnell, in Philadelphia had not been inspected since 1993. His clinic recently gained worldwide attention for abuse of patients and the deaths of fully developed babies. The doctor and members of his staff have been charged with a long list of crimes. Inspections could have prevented this. In addition to annual inspections, the State of Pennsylvania now requires random inspections of abortion clinics, including inspections at night and on weekends.
- Situations like the one in Philadelphia are more likely when it comes to abortion clinics than other medical facilities. Most women who witness unsafe conditions are too embarrassed to let anyone know that they were at an abortion clinic. "That Gosnell was able to practice so long, leaving such a wide wake of misery, is no surprise to some of his former patients. Abortion, some say, carries such a stigma that they were too ashamed to report their alleged mistreatment." *Philadelphia Inquirer*, January 28, 2011

Vote For HB 1855



Questions and Answers

1. Aren't you just trying to make life more difficult for the people who perform abortions?

Answer: Passage of this law won't make life a bit more difficult for any doctor or clinic that is already obeying the law.

4. How much will passage of this law cost?

Answer: Very little. The same health officials who currently inspect surgical abortion clinics once a year will simply inspect other abortion centers—approximately 2 other facilities.

5. Why did you set the threshold at 10 abortions per month?

Answer: Clinics that do fewer than 10 abortions per month aren't likely to be the major abusers of women. This bill seeks to prevent the abuse of women at clinics that are primarily engaged in providing abortions.

6. Arkansas Abortion Clinics have a clean record. If they have a clean record, why saddle them with more regulations?

Answer: We don't know if some have a clean record or not. Current law does not require the inspection of all abortion clinics. If they have a clean record, they shouldn't mind health officials visiting once a year. Health officials will be looking for the ones who don't have a clean record.

7. Will this law put any abortion clinics out of business?

Answer: Has any abortion clinic ever gone out of business because it was too safe, too clean, or too well-run? To the contrary, many clinics have gone out of business for failure to follow good health standards.

8. Who opposes this bill?

Answer: Clinics that don't want the health department to inspect them are likely to oppose this bill.