

POLICY BRIEF

SB 845

The Abortion Patients' Enhanced Safety Act

Sponsor: Sen. Jason Rapert

Summary: This bill would raise the abortion clinic health standards to those of an Ambulatory Surgery Center in order to promote patient safety in Arkansas.

Current Laws and History:

- ❖ Abortion clinics in Arkansas are regulated to prescribe the minimum health and safety standards for the building or facility, staffing, and clinic administration¹.

Points to Consider:

- ❖ Abortion is an outpatient medical procedure that can require extensive follow-up care, and has been known to result in serious health complications and even death.
- ❖ Rules and regulations for abortion clinics do not provide guidelines for surgical standards or facilities. By contrast, ambulatory surgery centers are given extensive guidelines that include an overview of types of surgeries performed by an ASC, and guidelines for infection control, adequate staffing, security, and many other specifications to ensure patient safety.
- ❖ The rules and regulations promulgated by the State expect abortion facilities to exceed the stated minimum health requirements set forth, but there is no requirement that clinics do so.
- ❖ As a surgical procedure, Arkansas law and the rules and regulations promulgated by the State do not treat abortions with the same sense of gravity as surgical procedures involving far fewer risks.
- ❖ As facilities that perform outpatient surgeries, abortion clinics are not held to the same standard as many other facilities that do surgical procedures.
- ❖ Missouri passed a bill regulating abortion clinics as ambulatory surgery centers in 2007². Virginia passed a similar bill in February of this year.
- ❖ Nationally, recent events indicate there has been a lack of oversight of abortion clinics.
- ❖ This lack of oversight has been demonstrated most notably by the recent case against Dr. Kermit Gosnell, who allegedly murdered newborn babies in his Philadelphia abortion clinic.
- ❖ The lack of proper oversight and regulation where abortion procedures are concerned represents a severe health risk to women seeking an abortion. S.B. 845 would provide more oversight.

Please Vote FOR SB 845

¹ Arkansas Code Annotated § 20-9-302(b)

² Missouri Title XII § 197.200



Ambulatory Surgery Center Question & Answer

1. What is an ambulatory surgery center?

Answer: An ambulatory surgery center (ASC) is an outpatient facility that offers patients the opportunity to have selected surgical and procedural services performed outside of hospital setting. Ambulatory surgery centers have a good reputation for being affordable while providing quality care and service to patients.

2. What rules does an ASC have to follow? Are they accredited?

Answer: Ambulatory surgery centers are highly regulated facilities. An ASC is observed by two, sometimes three, independent entities. ASCs must meet the specific requirements of their state for licensure, which can initially require rigorous and ongoing inspection and reporting. An ASC may also be certified by a voluntary accrediting organization but is not required to do so. These independent organizations have their own set of standards and regulations that an ASC must meet in addition to state requirements.

3. Why would an abortion clinic need to be regulated as an ASC?

Answer: The reason is simple: women's safety. Even though abortion is a legal medical procedure, there are still cases of women being subjected to substandard conditions. An abortion procedure is like many other outpatient procedures in that it does not typically require an overnight stay, often requires anesthesia, and follows similar recovery procedures for patients. Additionally, the abortion procedure is an invasive surgery that has the potential to be dangerous. It isn't right for a facility that performs knee replacements to be held to a higher standard than one that performs abortions.

4. What kinds of complications can a woman encounter as a result of an abortion?

Answer: If an abortion is successful, a woman can still suffer permanent tissue damage, excessive bleeding for days or weeks, and physical pain. If an abortion is unsuccessful, a woman may suffer severe blood loss, bacterial infection, septic shock, and even death.

5. How will this help women who experience health complications after an abortion?

Answer: This bill will reduce the risk of health complications due to inadequate facilities, staff, medical procedures, or accessibility of emergency care at an abortion clinic. Ambulatory Surgery Centers have minimum standards they must meet in these regards.

6. Isn't this just another way to trap abortion providers?

Answer: Abortion advocates claim legislation such as this is TRAP (targeted regulation of abortion providers) legislation, but this simply isn't so. It is true that under a law like this one, a clinic that fails to meet the standards of an ambulatory surgery center would have to stop performing abortions either temporarily or permanently, but that would be true of any other outpatient facility that failed to abide by the standards for an ASC. It is a necessary precaution taken to protect patients' safety.

7. Why is this necessary?

Answer: This bill is necessary to provide women more safety when undergoing an abortion. ASCs are held to a higher standard of performance than abortion clinics. Arkansas' abortion facilities are expected to exceed the minimum rules and regulations, but are not required to do so.¹ We currently allow our abortion facilities to operate under an assumption that they will voluntarily operate above minimum required rules. This bill ensures they will rise to a high standard of medical excellence.

¹ Rules and Regulations for Abortion Facilities, Section I. Preface.