ABORTION: Provides relative to qualifications of physicians who perform elective abortions

AN ACT

To amend and reenact R.S. 40:1061.10(A)(1), relative to regulation of abortion; to provide for qualifications of physicians who perform elective abortions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.10(A)(1) is hereby amended and reenacted to read as follows:

§1061.10. Abortion by physician; determination of viability; ultrasound test required; exceptions; penalties

A.(1) Physician requirements. No person shall perform or induce an abortion unless that person is a physician licensed to practice medicine in the state of Louisiana and is currently enrolled in or has completed a residency board-certified in obstetrics and gynecology or family medicine or enrolled in a residency program for obstetrics and gynecology or family medicine, when that resident performs or induces an abortion under the direct supervision of a physician who is board-certified in obstetrics and gynecology or family medicine. Any outpatient abortion facility that knowingly or negligently employs, contracts with, or provides any valuable consideration for the performance of an abortion in an outpatient abortion facility by any person who does not meet the requirements of this Section is subject to having

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
its license denied, non-renewed, or revoked by the Department of Health and
Hospitals in accord with R.S. 40:2175.6. For the purposes of this Subsection, "direct
supervision" shall mean that the physician must be present in the hospital, on the
campus, or in the outpatient facility, and immediately available to furnish assistance
and direction throughout the performance of the procedure. The physician need not
be present in the room when the procedure is performed in order to maintain direct
supervision.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 488 Engrossed 2016 Regular Session Jackson

Abstract: Increases stringency of qualifications required of physicians who perform
elective abortions.

Present law provides that no person shall perform or induce an elective abortion unless that
person is a physician licensed to practice medicine in this state and is currently enrolled in
or has completed a residency in obstetrics and gynecology or family medicine.

Proposed law revises present law to provide that no person shall perform or induce an
elective abortion unless that person is a physician licensed to practice medicine in this state
and is board-certified in obstetrics and gynecology or family medicine, or is or is enrolled
in a residency program for obstetrics and gynecology or family medicine and only performs
or induces an abortion under the direct supervision of a physician who is board-certified in
obstetrics and gynecology or family medicine.

Proposed law defines "direct supervision", for purposes of proposed law, to mean that the
physician must be present in the hospital, on the campus, or in the outpatient facility, and
immediately available to furnish assistance and direction throughout the performance of the
procedure, but need not be present in the room when the procedure is performed in order to
maintain direct supervision.

(Amends R.S. 40:1061.10(A)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to
the original bill:

1. Revise the physician qualifications provided in proposed law to stipulate that no
physician shall perform or induce an abortion unless he is board-certified in
obstetrics and gynecology or family medicine, or is enrolled in a residency
program for obstetrics and gynecology or family medicine and only performs
or induces an abortion under the direct supervision of a physician who is
board-certified in obstetrics and gynecology or family medicine.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
2. Define "direct supervision" for purposes of proposed law to mean that the physician must be present in the hospital, on the campus, or in the outpatient facility, and immediately available to furnish assistance and direction throughout the performance of the procedure, but need not be present in the room when the procedure is performed in order to maintain direct supervision.