

2016 Regular Session

HOUSE BILL NO. 488

BY REPRESENTATIVES JACKSON, BAGLEY, COX, HENSGENS, HORTON, MIKE JOHNSON, LEBAS, MAGEE, DUSTIN MILLER, JAY MORRIS, AND POPE

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

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

8 §1061.10. Abortion by physician; determination of viability; ultrasound test
9 required; exceptions; penalties

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

1 its license denied, non-renewed, or revoked by the Department of Health and
 2 Hospitals in accord with R.S. 40:2175.6. For the purposes of this Subsection, "direct
 3 supervision" shall mean that the physician must be present in the hospital, on the
 4 campus, or in the outpatient facility, and immediately available to furnish assistance
 5 and direction throughout the performance of the procedure. The physician need not
 6 be present in the room when the procedure is performed in order to maintain direct
 7 supervision.

8 * * *

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.

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.