

RÉSUMÉ DIGEST

ACT 198 (SB 221)

2019 Regular Session

Mizell

Prior law provided for the Woman's Right to Know law which requires that providers of abortions in Louisiana ensure that their patients have the necessary information, including specific legal rights and options, to make an informed decision before they undergo an abortion procedure.

Prior law also provided that no abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Prior law provided that, except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, the name of the physician who meets the requirements of R.S. 46:1061.10(a) and is licensed to practice medicine in the state and who will perform the abortion.

New law changes prior law from oral to written, as it relates to the requirement that the woman must be informed of the name of the physician who is to perform the abortion.

New law provides that, in addition to the name of the physician who is to perform the abortion, the physician shall inform the woman, in writing, all of the following:

- (1) The name of the physician who will perform the abortion shall be listed in the written document in the same manner as the name appears on the membership roll of the La. State Board of Medical Examiners.
- (2) The location and specialty of the physician's residency and whether the residency has been completed.
- (3) Whether the physician is currently board certified and, if so, the name of the certifying organization.
- (4) Whether the physician has active admitting privileges at any hospital that provides obstetrical or gynecological healthcare services, and if so, the name of the hospital or hospitals. "Active admitting privileges" means that the physician is a member in good standing of the medical staff of a hospital that is currently licensed by the Department of Health, with the ability to admit a patient, and to provide diagnostic and surgical services to such patient.
- (5) Whether the physician has malpractice insurance that would cover the abortion procedure.
- (6) Whether in the last 10 years the physician has ever been placed on probation, reprimanded, or had his license suspended or revoked by any professional licensing organization, and if so, the jurisdiction in which the professional discipline was ordered. For purposes of this subsection, the disciplinary action must be disclosed even if it was stayed or suspended. Disclosure of disciplinary action shall include but not be limited to action taken by the La. State Board of Medical Examiners and the La. Board of Pharmacy.
- (7) The internet address for disciplinary records of the La. Board of Medical Examiners.

New law provides statements of legislative intent.

New law provides legislative findings and declarations.

New law clarifies that, even though amendments are being added to the section of prior law which contains the number of hours for the waiting period required between the time of the pre-abortion counseling and the actual abortion, proposed law is not intended to be construed to affect the outcome of the court case which was filed in response to a change in the waiting period in 2016 from 24 hours (prior law) to 72 hours (prior law).

Effective upon signature of the governor (June 11, 2019).

(Amends R.S. 40:1061.17(B)(3))