

Louisiana Department of Health and Hospitals Response to Congress

- 1. Does your state license abortion clinics or those facilities and providers who perform abortions? If so, please identify what information must be provided or requirements must be met for a facility or provider to be licensed. In addition, please identify the number of abortion clinics licensed in your state for each year from 2008-2013.**

Yes, Louisiana (LA) licenses abortion facilities in accordance with LA RS 40:2175.1 et seq and the licensing rule found in LAC 48:1. Chapter 44. The following is a list of abortion facilities licensed in LA for the years 2008-2013:

2008- 7 clinics  
2009- 7 clinics  
2010- 7 clinics  
2011- 7 clinics  
2012- 6 clinics  
2013- 5 clinics

- 2. For the years 2008-2013, please identify each abortion clinic for which your state has suspended or revoked its license and the reason for this action.**

In 2008 the Louisiana Department of Health and Hospitals (LA DHH) did not suspend or revoke any licenses of abortion facilities licensed in LA.

In 2009 the LA DHH issued a revocation of full license and issued a provisional license to Gentilly Medical Clinic for Women due to the failure to comply with the licensing minimum standards per La. R.S. 2175.4 and the licensing regulations contained in LAC 48:I Chapter 44.

In 2010 the LA DHH issued the following immediate suspensions and/or license revocation letters: 1.) January 19, 2010, letter of license revocation to Gentilly Medical Clinic for Women for repeated licensing deficiencies and 2.) September 3, 2010, notice of immediate suspension and license revocation issued to Hope Medical Group for Women for violations of the Abortion Facility licensing rules and regulations. (See attached letters)

In 2011 the LA DHH issued the following immediate suspensions and/or license revocation letters: 1.) May 24, 2011, notice of immediate suspension and license revocation for Gentilly Medical Clinic for Women for violations of the Abortion Facility licensing rules and regulations and 2.) September 2, 2011, a cease and desist notice was sent to Gentilly Medical Clinic for Women for the facility's failure to timely appeal the license revocation of the Secretary. (See attached letters)

In 2012, the LA DHH issued the following supplemental license revocation letters and/or license revocation letter: 1.) February 28, 2012, supplemental license revocation letter for Hope Medical Group for Women was issued for substantial failure to comply with applicable licensing standards, 2.) July 25, 2012, license revocation letter for Midtown Medical was issued due to violations of the abortion facility licensing standards, and 3.) November 5, 2012, supplemental license revocation letter for Midtown Medical was issued for substantial failure to comply with applicable licensing standards.

In 2013 the LA DHH has not suspended or revoked any licenses of abortion facilities licensed in LA.

**3. Does your state conduct inspections of abortion clinics or facilities that perform abortions? If so, please identify the number of clinics that your state has inspected for each year from 2008-2013. In addition, please identify how an inspection is conducted and what information is examined in the course of an inspection.**

Yes, LA conducts inspections of abortion facilities that perform abortions. The following is a list of the numbers of surveys conducted at abortion facilities for the years 2008-2013:

2008: 1  
2009: 5  
2010: 6  
2011: 7  
2012: 6  
2013: 3 (to date)

Surveys are unannounced with the exception of the initial licensing survey. Abortion facilities are surveyed for compliance with the state licensing rule for Abortion Facilities (LAC 48:1. Chapter 44). Surveyors utilize direct observations, interviews, and record reviews to determine compliance with the state licensing rule for Abortion Facilities during the survey process.

**4. Does your state monitor complaints or adverse health events relating to abortions? If so, how are these complaints filed or processed? How many complaints relating to abortions or abortion clinics have been filed for each year from 2008-2013?**

Yes, the LA DHH receives and monitors complaints for abortion facilities through the use of a state complaint hotline, by telephone at the program desk, electronically (e-mail or fax), or in writing. They may be submitted anonymously. The complaint allegation are reviewed and triaged to determine if the allegations involve regulatory issues. The following is a list of complaints received and investigated for the years 2008 - 2013:

2008: 0

2009: 1  
2010: 0  
2011: 5  
2012: 4  
2013: 3 (to date)

**4-A. Please explain how your state investigates the complaints it receives relating to abortions. In addition, please explain how many investigations, including those that included inspections of abortion clinics, have resulted from complaints filed for each year from 2008-2013.**

A review of the allegations from the complainant is reviewed by the RN Program Manager. The complaint intake is entered into a database, triaged, and routed to the appropriate field office for investigation by RN surveyors.

2008: 0  
2009: 1  
2010: 0  
2011: 5  
2012: 4  
2013: 3 (to date)

**5. Please explain whether your state, including state professional licensure boards, has initiated any disciplinary actions against facilities or health care providers relating to abortion? Please identify the number of disciplinary actions taken in each year from 2008-2013 and the underlying violation or reason for the action**

Please refer to the Louisiana State Medical Board of Medical Examiners Attachments.

**6. Please provide copies of the rules and regulations that govern facilities and licensed health care providers in your state that perform abortions, including the rules and regulations that specifically govern how abortions are conducted in your state.**

Copy of licensing rule and emergency rule attached (LAC 48:1. Chapter 44)

**6A. Which of these laws is your agency tasked with enforcing and how do you enforce them?**

The Following rules and regulation that govern facilities and licensed health care providers in Louisiana that perform or conduct abortions are as follows:

LA RS 40:1299.30, 1299.30.1, 1299.31, 1299.33, 1299.34.5, 1299.35.1, 1299.35.3, 1299.35.4, 1299.35.5, 1299.35.6, 1299.35.7, 1299.35.8, 1299.35.10, 1299.35.11, 1299.35.12, 1299.35.14,

1299.35.15, 1299.35.16, 1299.35.18, and LA RS 14.80, 14.81, 14.87, 14.87.5, and LA RS 40:63, 40.64, 40.65, 40.66, 40.67, 40.68, 40.69, 40.70, 40.71.

They are enforced during the random licensing surveys process, and if they are in noncompliance, then they are cited.

7. April 19, 2005, the Assistant Secretary for Children and Families issued an instruction to state agencies administering the Child Abuse Prevention and Treatment Act (CAPTA) program. The instruction requires states to have procedures for responding to reports of medical neglect (including the withholding of medically indicated treatment from disabled infants with life-threatening conditions), and applies those protections equally to born-alive infants.
  - a. **What actions has your state taken since 2005 to ensure that, at every licensed health care facility that provides abortions, there is a designated individual to report suspected medical neglect {including withholding of medically indicated treatment from disabled infants with life-threatening conditions) of born alive infants to the state child protective services agency? Has the state received any such notifications and what were the outcomes?**

This question does not pertain to Louisiana Department of Health and Hospital – Health Standards. Please refer question to:

Louisiana Department of Children and Family Services  
P.O. Box 3776  
Baton Rouge, Louisiana

- b. **Does your state child protective services agency annually contact each health care facility to obtain purpose of coordination, consultation, and notification pursuant to 45 C.F.R. §1340.1S? Does this contact include health care facilities that provide abortions? Please provide a list of all such designations**

This question does not pertain to Louisiana Department of Health and Hospital – Health Standards. Please refer question to:

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