

MEDICINE BOARD[653]

Adopted and Filed

Rule making related to abortion prerequisites

The Board of Medicine hereby amends Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 146A.1.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 146A.1.

Purpose and Summary

On June 17, 2022, the Iowa Supreme Court reversed a district court decision enjoining implementation of Iowa Code section 146A.1, which provides for prerequisites for the provision of abortion procedures. This rule making implements Iowa Code section 146A.1. Specifically, this rule making clarifies the written notification requirement for physicians performing abortions.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 10, 2022, as **ARC 6461C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on October 28, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 653—Chapter 3.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 4, 2023.

The following rule-making action is adopted:

Adopt the following **new** rule 653—13.16(146A):

653—13.16(146A) Abortion prerequisites.

13.16(1) *Written certification.* At least 24 hours prior to performing an abortion, a physician shall obtain written certification from the pregnant woman of each prerequisite as required in Iowa Code sections 146A.1(1)“a” through 146A.1(1)“d”(1). The written certification shall list each required prerequisite separately and shall include a line for date and signature of the pregnant woman. The physician shall maintain a copy of the certification as part of the pregnant woman’s medical records.

13.16(2) *Exceptions.* This rule shall not apply to abortions performed in a medical emergency, as provided in Iowa Code section 146A.1(2).

13.16(3) *Discipline.* Failure to comply with this rule or the requirements of Iowa Code section 146A.1 may constitute grounds for discipline.

This rule is intended to implement Iowa Code section 146A.1.

[Filed 11/1/22, effective 1/4/23]

[Published 11/30/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/22.