

**641—100.5(144) Statistical report of termination of pregnancy report.** A health care provider who initially identifies and diagnoses a spontaneous termination of pregnancy or who induces a termination of pregnancy shall file with the department a Statistical Report of Termination of Pregnancy form for each termination.

**100.5(1)** The health care provider shall make a good-faith effort to obtain all the information outlined in Iowa Code section 144.29A(1) that is available with respect to each termination, as well as whether the termination was spontaneous or induced.

**100.5(2)** In addition, a physician who performs or attempts to perform an abortion shall report to the department all of the following:

*a.* If a determination of probable postfertilization age of the unborn child was made, the probable postfertilization age determined and the method and basis of the determination.

*b.* If a determination of probable postfertilization age of the unborn child was not made, the basis of the determination that a medical emergency existed.

*c.* If the probable postfertilization age of the unborn child was determined to be 20 or more weeks:

(1) The basis of the determination of a medical emergency, or

(2) The basis of the determination that the abortion was necessary to preserve the life of an unborn child.

*d.* The method used for the abortion.

(1) In the case of an abortion performed when the probable postfertilization age was determined to be 20 or more weeks, whether the method of abortion used was one that, in the physician's reasonable medical judgment, provided the best opportunity for an unborn child to survive, or

(2) If such a method was not used, the basis of the determination that termination of the human pregnancy in that manner would pose a greater risk than would any other available method of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function.

**100.5(3)** The health care provider who identifies a spontaneous termination or performs an induced termination shall prepare the report on the standard form and forward to the state registrar on or before the tenth day of each calendar month all records for the preceding month. Reports may be sent by mail to the state registrar. Termination reports shall be submitted within 30 days of the date of the occurrence.

**100.5(4)** The department will provide the forms, or the provider may use the master copy of the form provided by the department to make copies for reporting.

**100.5(5)** The information will be collected, reproduced, released, and disclosed in a manner that meets the requirements of Iowa Code section 144.29A(2).

**100.5(6)** The department may share information with federal public health officials as outlined in Iowa Code section 144.29A(2).

**100.5(7)** By June 30, annually, the department will publish a demographic summary of the statistics for the previous calendar year pursuant to Iowa Code section 144.29A(2).

The department will establish and use a methodology to provide a statistically verifiable basis for any determination of the aggregate form at which information may be released pursuant to Iowa Code section 144.29A(2) "c." The methodology will consider both the counts of the events for each item of information and the population that could be represented.

**100.5(8)** A health care provider shall assign a report tracking number pursuant to Iowa Code section 144.29A(5). The report tracking number shall be maintained by the provider for a period of six months after the end of the calendar year.

**100.5(9)** For reporting of spontaneous terminations of pregnancy, a health care provider who practices within a hospital, clinic, or other health facility may file the required reporting forms with the department or may authorize one staff person to fulfill the reporting requirements. For reporting of induced terminations of pregnancy, the physician performing the termination shall file the required reporting forms with the department.

**100.5(10)** Reporting penalties.

*a.* A physician who fails to submit a report in accordance with Iowa Code section 146B.2 and these rules by the end of 30 days following the due date shall be subject to a late fee of \$500 for each

additional 30-day period or portion of a 30-day period the report is overdue. The fee will be collected by the department.

*b.* A physician required to report in accordance with Iowa Code section 146B.2 who has not submitted a report or who has submitted only an incomplete report more than one year following the due date may, in an action brought by the board of medicine in the manner in which actions are brought to enforce Iowa Code chapter 148, be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.

*c.* A physician who intentionally or recklessly falsifies a report required under Iowa Code section 146B.2 is subject to a civil penalty of \$100. The civil penalty will be collected by the department pursuant to Iowa Code chapter 17A.

**100.5(11)** Any person who knowingly violates a provision of these rules is guilty of a serious misdemeanor pursuant to Iowa Code section 144.52.

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