

House Amendment 1179

Amendment Text

PAG LIN

1 1 Amend [House File 116](#), as follows:
1 2 #1. Page 1, by striking lines 1 through 14, and
1 3 inserting the following:
1 4 "Section 1. Section [144.29A](#), Code 2001, is amended
1 5 to read as follows:
1 6 144.29A

~~TERMINATION OF PREGNANCY~~

~~- SURGICAL~~

1 7 PROCEDURE REPORTING.
1 8 1. A health care provider who initially identifies
1 9 and diagnoses a spontaneous termination of pregnancy,
1 10 or who induces a termination of pregnancy, performs
1 11 vasectomies, vasectomy reversals, penile implants, or
1 12 cosmetic surgery shall file with the department a
1 13 report for each termination, vasectomy, vasectomy
1 14 reversal, penile implant, or cosmetic surgery
1 15 procedure within thirty days of the occurrence. The
1 16 health care provider shall make a good faith effort to
1 17 obtain all of the following information that is
1 18 available with respect to each

~~termination~~

~~- specified~~

1 19 procedure performed as applicable to the procedure:
1 20 a. The confidential health care provider code as
1 21 assigned by the department.
1 22 b. The report tracking number.
1 23 c. The maternal health services region of the Iowa
1 24 department of public health, as designated as of July
1 25 1, 1997, in which the patient resides.
1 26 d. The race of the patient.
1 27 e. The age of the patient.
1 28 f. The marital status of the patient.
1 29 g. The educational level of the patient.
1 30 h. The number of previous pregnancies, live
1 31 births, and spontaneous or induced terminations of
1 32 pregnancies, vasectomies, penile implants, or cosmetic
1 33 surgeries.
1 34 i. The month and year in which the

~~termination~~

~~-~~

1 35 procedure occurred.
1 36 j. The number of weeks since the patient's last
1 37 menstrual period and a clinical estimate of gestation,
1 38 if applicable.
1 39 k. The results of any tests performed for sexually
1 40 transmitted infections prior to the performance of a
1 41 vasectomy or vasectomy reversal.
1 42 2. It is the intent of the general assembly that
1 43 the information shall be collected, reproduced,
1 44 released, and disclosed in a manner specified by rule
1 45 of the department, adopted pursuant to chapter 17A,
1 46 which ensures the anonymity of the patient who
1 47 experiences a termination of pregnancy, vasectomy,
1 48 vasectomy reversal, penile implant, or cosmetic

1 49 surgery procedures the health care provider who
1 50 identifies and diagnoses or induces a termination of
2 1 pregnancy, or performs the vasectomy, vasectomy
2 2 reversal, penile implant, or cosmetic surgery
2 3 procedure and the hospital, clinic, or other health
2 4 facility in which a termination of pregnancy is
2 5 identified and diagnosed or induced or in which a
2 6 vasectomy, vasectomy reversal, penile implant, or
2 7 cosmetic surgery procedure is performed. The
2 8 department may share information with federal public
2 9 health officials for the purposes of securing federal
2 10 funding or conducting public health research.
2 11 However, in sharing the information, the department
2 12 shall not relinquish control of the information, and
2 13 any agreement entered into by the department with
2 14 federal public health officials to share information
2 15 shall prohibit the use, reproduction, release, or
2 16 disclosure of the information by federal public health
2 17 officials in a manner which violates this section.
2 18 The department shall publish, annually, a demographic
2 19 summary of the information obtained pursuant to this
2 20 section, except that the department shall not
2 21 reproduce, release, or disclose any information
2 22 obtained pursuant to this section which reveals the
2 23 identity of any patient, health care provider,
2 24 hospital, clinic, or other health facility, and shall
2 25 ensure anonymity in the following ways:

2 26 a. The department may use information concerning
2 27 the report tracking number or concerning the identity
2 28 of a reporting health care provider, hospital, clinic,
2 29 or other health facility only for purposes of
2 30 information collection. The department shall not
2 31 reproduce, release, or disclose this information for
2 32 any purpose other than for use in annually publishing
2 33 the demographic summary under this section.

2 34 b. The department shall enter the information,
2 35 from any report of termination, vasectomy, vasectomy
2 36 reversal, penile implant, or cosmetic surgery
2 37 procedure submitted, within thirty days of receipt of
2 38 the report, and shall immediately destroy the report
2 39 following entry of the information. However, entry of
2 40 the information from a report shall not include any
2 41 health care provider, hospital, clinic, or other
2 42 health facility identification information including,
2 43 but not limited to, the confidential health care
2 44 provider code, as assigned by the department.

2 45 c. To protect confidentiality, the department
2 46 shall limit release of information to release in an
2 47 aggregate form which prevents identification of any
2 48 individual patient, health care provider, hospital,
2 49 clinic, or other health facility. For the purposes of
2 50 this paragraph, "aggregate form" means a compilation
3 1 of the information received by the department on
3 2 termination of pregnancies, vasectomies, vasectomy
3 3 reversals, penile implants, and cosmetic surgery
3 4 procedures for each information item listed, with the
3 5 exceptions of the report tracking number, the health
3 6 care provider code, and any set of information for
3 7 which the amount is so small that the confidentiality
3 8 of any person to whom the information relates may be
3 9 compromised. The department shall establish a
3 10 methodology to provide a statistically verifiable
3 11 basis for any determination of the correct amount at
3 12 which information may be released so that the
3 13 confidentiality of any person is not compromised.

3 14 3. Except as specified in subsection 2, reports,
3 15 information, and records submitted and maintained

3 16 pursuant to this section are strictly confidential and
3 17 shall not be released or made public upon subpoena,
3 18 search warrant, discovery proceedings, or by any other
3 19 means.

3 20 4. The department shall assign a code to any
3 21 health care provider who may be required to report a
3 22 termination, vasectomy, vasectomy reversal, penile
3 23 implant, or cosmetic surgery procedure under this
3 24 section. An application procedure shall not be
3 25 required for assignment of a code to a health care
3 26 provider.

3 27 5. A health care provider shall assign a report
3 28 tracking number which enables the health care provider
3 29 to access the patient's medical information without
3 30 identifying the patient.

3 31 6. To ensure proper performance of the reporting
3 32 requirements under this section, it is preferred that
3 33 a health care provider who practices within a
3 34 hospital, clinic, or other health facility authorize
3 35 one staff person to fulfill the reporting
3 36 requirements.

3 37 7. For the purposes of this section, "health care
3 38 provider" means an individual licensed under chapter
3 39 148, 148C, 148D, 150, 150A, or 152, or any individual
3 40 who provides medical services under the authorization
3 41 of the licensee.

3 42 8. For the purposes of this section, "inducing a
3 43 termination of pregnancy" means the use of any means
3 44 to terminate the pregnancy of a woman known to be
3 45 pregnant with the intent other than to produce a live
3 46 birth or to remove a dead fetus.

3 47 9. For the purposes of this section, "spontaneous
3 48 termination of pregnancy" means the occurrence of an
3 49 unintended termination of pregnancy at any time during
3 50 the period from conception to twenty weeks gestation
4 1 and which is not a spontaneous termination of
4 2 pregnancy at any time during the period from twenty
4 3 weeks or greater which is reported to the department
4 4 as a fetal death under this chapter."

4 5 #2. Title page, lines 1 and 2, by striking the
4 6 words "termination of pregnancy" and inserting the
4 7 following: "surgical procedures".

4 8

4 9

4 10

4 11 MASCHER of Johnson

4 12 HF 116.505 79

4 13 pf/pj