

House Amendment 1392

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~~

~~HEALTH-RELATED~~

1 7 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 or who
1 11 prescribes viagra shall file with the department a
1 12 report for each termination or each prescription
1 13 within thirty days of the occurrence. The health care
1 14 provider shall make a good faith effort to obtain all
1 15 of the following information that is available with
1 16 respect to each termination or prescription, as
1 17 appropriate:
1 18 a. The confidential health care provider code as
1 19 assigned by the department.
1 20 b. The report tracking number.
1 21 c. The maternal health services region of the Iowa
1 22 department of public health, as designated as of July
1 23 1, 1997, in which the patient resides.
1 24 d. The race of the patient.
1 25 e. The age of the patient.
1 26 f. The marital status of the patient.
1 27 g. The educational level of the patient.
1 28 h. The number of previous pregnancies, live
1 29 births, and spontaneous or induced terminations of
1 30 pregnancies or the number of previous prescriptions of
1 31 viagra.
1 32 i. The month and year in which the termination
1 33 occurred or in which viagra was prescribed.
1 34 j. The number of weeks since the patient's last
1 35 menstrual period and a clinical estimate of gestation.
1 36 2. It is the intent of the general assembly that
1 37 the information shall be collected, reproduced,
1 38 released, and disclosed in a manner specified by rule
1 39 of the department, adopted pursuant to chapter 17A,
1 40 which ensures the anonymity of the patient

~~who~~

1 41

~~experiences a termination of pregnancy~~

~~-, the health~~

1 42 care provider who identifies and diagnoses or induces
1 43 a termination of pregnancy or who prescribed viagra,
1 44 and the hospital, clinic, or other health facility in
1 45 which a termination of pregnancy is identified and
1 46 diagnosed or induced or in which the viagra
1 47 prescription is provided. The department may share
1 48 information with federal public health officials for

1 49 the purposes of securing federal funding or conducting
1 50 public health research. However, in sharing the
2 1 information, the department shall not relinquish
2 2 control of the information, and any agreement entered
2 3 into by the department with federal public health
2 4 officials to share information shall prohibit the use,
2 5 reproduction, release, or disclosure of the
2 6 information by federal public health officials in a
2 7 manner which violates this section. The department
2 8 shall publish, annually, a demographic summary of the
2 9 information obtained pursuant to this section, except
2 10 that the department shall not reproduce, release, or
2 11 disclose any information obtained pursuant to this
2 12 section which reveals the identity of any patient,
2 13 health care provider, hospital, clinic, or other
2 14 health facility, and shall ensure anonymity in the
2 15 following ways:

2 16 a. The department may use information concerning
2 17 the report tracking number or concerning the identity
2 18 of a reporting health care provider, hospital, clinic,
2 19 or other health facility only for purposes of
2 20 information collection. The department shall not
2 21 reproduce, release, or disclose this information for
2 22 any purpose other than for use in annually publishing
2 23 the demographic summary under this section.

2 24 b. The department shall enter the information,
2 25 from any report

~~of termination~~

- submitted, within

2 26 thirty days of receipt of the report, and shall
2 27 immediately destroy the report following entry of the
2 28 information. However, entry of the information from a
2 29 report shall not include any health care provider,
2 30 hospital, clinic, or other health facility
2 31 identification information including, but not limited
2 32 to, the confidential health care provider code, as
2 33 assigned by the department.

2 34 c. To protect confidentiality, the department
2 35 shall limit release of information to release in an
2 36 aggregate form which prevents identification of any
2 37 individual patient, health care provider, hospital,
2 38 clinic, or other health facility. For the purposes of
2 39 this paragraph, "aggregate form" means a compilation
2 40 of the information received by the department

~~on~~

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2 41

~~termination of pregnancies~~

- for each information item

2 42 listed, with the exceptions of the report tracking
2 43 number, the health care provider code, and any set of
2 44 information for which the amount is so small that the
2 45 confidentiality of any person to whom the information
2 46 relates may be compromised. The department shall
2 47 establish a methodology to provide a statistically
2 48 verifiable basis for any determination of the correct
2 49 amount at which information may be released so that
2 50 the confidentiality of any person is not compromised.

3 1 3. Except as specified in subsection 2, reports,
3 2 information, and records submitted and maintained
3 3 pursuant to this section are strictly confidential and
3 4 shall not be released or made public upon subpoena,
3 5 search warrant, discovery proceedings, or by any other
3 6 means.

3 7 4. The department shall assign a code to any
3 8 health care provider who may be required to report

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3 9

~~termination~~

- under this section. An application
3 10 procedure shall not be required for assignment of a
3 11 code to a health care provider.

3 12 5. A health care provider shall assign a report
3 13 tracking number which enables the health care provider
3 14 to access the patient's medical information without
3 15 identifying the patient.

3 16 6. To ensure proper performance of the reporting
3 17 requirements under this section, it is preferred that
3 18 a health care provider who practices within a
3 19 hospital, clinic, or other health facility authorize
3 20 one staff person to fulfill the reporting
3 21 requirements.

3 22 7. For the purposes of this section, "health care
3 23 provider" means an individual licensed under chapter
3 24 148, 148C, 148D, 150, 150A, or 152, or any individual
3 25 who provides medical services under the authorization
3 26 of the licensee.

3 27 8. For the purposes of this section, "inducing a
3 28 termination of pregnancy" means the use of any means
3 29 to terminate the pregnancy of a woman known to be
3 30 pregnant with the intent other than to produce a live
3 31 birth or to remove a dead fetus.

3 32 9. For the purposes of this section, "spontaneous
3 33 termination of pregnancy" means the occurrence of an
3 34 unintended termination of pregnancy at any time during
3 35 the period from conception to twenty weeks gestation
3 36 and which is not a spontaneous termination of
3 37 pregnancy at any time during the period from twenty
3 38 weeks or greater which is reported to the department
3 39 as a fetal death under this chapter."

3 40 #2. Title page, line 1, by inserting after the
3 41 word "in" the following: "health-related reporting
3 42 including".

3 43

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3 45

3 46 HATCH of Polk

3 47 HF 116.305 79

3 48 pf/cf