

4/3/97 unfinished Business Calendar

FEB 13 1997
Place On Calendar

*Substituted
for leaf S.F. 128
4-16-97 (p. 1281)*

WITHDRAWN

HOUSE FILE **235**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 35)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the statistical reporting of terminations of
2 pregnancy and establishing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 235

WITHDRAWN

1 Section 1. NEW SECTION. 144.29A TERMINATION OF PREGNANCY
2 REPORTING.

3 1. A health care provider who initially identifies and
4 diagnoses a spontaneous termination of pregnancy or who
5 induces a termination of pregnancy shall file with the
6 department a report for each termination within thirty days of
7 the occurrence. The report shall contain all of the following
8 information with respect to each termination:

9 a. The confidential health care provider code as assigned
10 by the department.

11 b. The type of health facility.

12 c. The report tracking number.

13 d. The state of residence and, if this state, the county
14 of residence of the patient.

15 e. The race of the patient.

16 f. The age of the patient.

17 g. The marital status of the patient.

18 h. The educational level of the patient.

19 i. The number of previous pregnancies, live births, and
20 spontaneous or induced termination of pregnancies.

21 j. The month and year in which the termination occurred.

22 k. The number of weeks since the patient's last menstrual
23 period and a clinical estimate of gestation.

24 l. Complications, if any.

25 m. The cause of spontaneous termination, if known.

26 n. The type of termination procedure, if the termination
27 is induced.

28 2. It is the intent of the general assembly that the
29 information shall be collected, reproduced, released, and
30 disclosed in a manner specified by rule of the department,
31 pursuant to chapter 17A, which ensures the anonymity of the
32 patient who experiences a termination of pregnancy, the health
33 care provider who identifies and diagnoses or induces a
34 termination of pregnancy, and the hospital, clinic, or other
35 health facility in which a termination of pregnancy is

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

18 a. The department shall use a report tracking number, a
19 confidential health care provider code, and the identity of a
20 reporting hospital, clinic, or other health facility for the
21 sole purpose of information collection and verification prior
22 to entry of the information. Following collection and
23 verification of the information, the department shall use,
24 reproduce, release, and disclose any information collected
25 only for the purpose of annually publishing the demographic
26 summary.

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

1 c. To protect confidentiality, the department shall limit
2 release of information to release in an aggregate form which
3 avoids identification of any individual patient, health care
4 provider, hospital, clinic, or other health facility. For the
5 purposes of this paragraph, "aggregate form" means a
6 compilation of the information received by the department of
7 termination of pregnancies for each information item listed,
8 with the exceptions of the report tracking number, the health
9 care provider code, and any set of information for which the
10 amount is so small that confidentiality of any person to whom
11 the information relates may be compromised.

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

17 4. The department shall assign a code to any health care
18 provider who may be required to report a termination under
19 this section. An application procedure shall not be required
20 for assignment of a code to a health care provider.

21 5. A health care provider shall assign a report tracking
22 number which enables the health care provider to access the
23 patient's medical information without identifying the patient.

24 6. To ensure proper performance of the reporting
25 requirements under this section, it is preferred that a health
26 care provider who practices within a hospital, clinic, or
27 other health facility authorize one staff person to fulfill
28 the reporting requirements.

29 7. For the purposes of this section, "health care
30 provider" means an individual licensed under chapter 148,
31 148C, 148D, 150, 150A, or 152, or any individual who provides
32 medical services under the authorization of the licensee.

33 Sec. 2. Section 144.52, Code 1997, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 7. Violates a provision of section

1 144.29A.

2

EXPLANATION

3 This bill requires the reporting of both spontaneous and
4 induced terminations of pregnancy to the Iowa department of
5 public health within 30 days of the occurrence.

6 The bill lists the information to be included in a report
7 and requires the department to adopt rules which specify the
8 collection procedures to be used and which ensure anonymity of
9 all parties related to the report.

10 The bill authorizes the Iowa department of public health to
11 share information with federal public health officials, and
12 requires the department to annually publish a demographic
13 summary of the information obtained through the reports. The
14 bill also establishes the manner of use of the information in
15 order to ensure confidentiality of all parties related to the
16 report, and makes other provisions, including the following:
17 stating that it is the intent of the general assembly that the
18 information be collected, reproduced, released and disclosed
19 in accordance with rules which ensure anonymity of the
20 patient, health care provider, hospital, clinic or other
21 health facility; providing that the information may be shared
22 with federal public health officials to secure federal funds
23 or to conduct public health research; providing that in any
24 sharing of the information, the department is not to
25 relinquish control of the information and any agreement
26 entered into between the department and federal public health
27 officials is to prohibit the use, reproduction, release, or
28 disclosure of the information in a manner which violates the
29 bill; providing that the department is to use identifying
30 information solely for the purposes of information collection
31 and verification of the information; requiring the entry of
32 the information from the reports to be performed within 30
33 days of the receipt of a report and that the information then
34 be immediately destroyed; prohibiting entry of any health care
35 provider, hospital, clinic, or other health facility

1 identification information including but not limited to the
2 health care provider code, assigned by the department;
3 providing for release of the information only in the aggregate
4 form as defined in the bill; providing that except as
5 otherwise specified in the bill, reports, information, and
6 records submitted and maintained under the bill are
7 confidential and are not to be released or made public upon
8 subpoena, search warrant, discovery proceedings, or by any
9 other means; providing for the assignment of a health care
10 provider code without requiring an application process;
11 providing that a health care provider assign a report tracking
12 number to the report submitted which does not identify the
13 patient; providing that it is preferred that a health care
14 provider who practices within a hospital, clinic, or other
15 health facility authorize one staff person to fulfill the
16 reporting requirements; and defining "health care provider"
17 for the purposes of the bill.

18 The bill establishes a penalty of a serious misdemeanor for
19 violation of reporting requirements of the bill.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

**HOUSE FILE 235
FISCAL NOTE**

The estimate for House File 235 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 235 requires the reporting of terminations of pregnancy to the Department of Public Health, specifies information to be included in the report, requires rules to insure anonymity, directs the Department to publish demographic summaries, and provides a penalty.

ASSUMPTIONS

1. Reporting facilities will generate 20,000-25,000 recordable events per year.
2. Software development costs will be incurred during the first year of collection and analysis of data. Annual maintenance costs will be incurred in subsequent years.
3. Salary and support would be needed to capture reports, print forms, and print envelopes for return of reports.
4. Information generated by the reporting may be published with Vital Statistics and Annual Reports at minimal cost to the Department.

FISCAL EFFECTS

The estimated fiscal effect of HF 235 is as follows:

	FY 1998	FY 1999
Salaries	\$ 24,988	\$ 24,988
Software	25,000	2,700
Support	8,019	5,250
TOTAL COST	\$ 58,007	\$ 32,938

CORRECTIONAL IMPACT

No significant correctional impact would be expected to result from HF 235.

SOURCES

Department of Public Health
Department of Human Rights, Criminal and Juvenile Justice Planning Division
(LSB 1490hv, VMT)

HOUSE FILE 235

H-1043

1 Amend House File 235 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 144.29A MEDICAL
5 PROCEDURES IN A CLINIC -- REPORTING.
6 1. A health care provider who initially performs
7 medical procedures on a patient in a medical clinic
8 shall file with the department a report for each
9 medical procedure within thirty days of the
10 occurrence. The report shall contain all of the
11 following information with respect to each medical
12 procedure:
13 a. The confidential health care provider code as
14 assigned by the department.
15 b. The report tracking number.
16 c. The state of residence and, if this state, the
17 county of residence of the patient.
18 d. The race of the patient.
19 e. The age of the patient.
20 f. The marital status of the patient.
21 g. The educational level of the patient.
22 h. The number of previous medical procedures
23 performed on the patient.
24 i. The month and year in which the medical
25 procedure occurred.
26 j. Complications, if any.
27 k. The cause of the need for the medical
28 procedure, if known.
29 1. The type of medical procedure.
30 2. It is the intent of the general assembly that
31 the information shall be collected, reproduced,
32 released, and disclosed in a manner specified by rule
33 of the department, pursuant to chapter 17A, which
34 ensures the anonymity of the patient who experiences a
35 medical procedure, the health care provider who
36 performs the medical procedure, and the clinic in
37 which the medical procedure is performed. The
38 department may share information with federal public
39 health officials for the purposes of securing federal
40 funding or conducting public health research.
41 However, in sharing the information, the department
42 shall not relinquish control of the information, and
43 any agreement entered into by the department with
44 federal public health officials to share information
45 shall prohibit the use, reproduction, release, or
46 disclosure of the information by federal public health
47 officials in a manner which violates this section.
48 The department shall publish, annually, a demographic
49 summary of the information obtained pursuant to this
50 section, except that the department shall not

H-1043

-1-

1 reproduce, release, or disclose any information
2 obtained pursuant to this section which reveals the
3 identity of any patient, health care provider, or
4 clinic, and shall ensure anonymity in the following
5 ways:

6 a. The department shall use a report tracking
7 number, a confidential health care provider code, and
8 the identity of a clinic for the sole purpose of
9 information collection and verification prior to entry
10 of the information. Following collection and
11 verification of the information, the department shall
12 use, reproduce, release, and disclose any information
13 collected only for the purpose of annually publishing
14 the demographic summary.

15 b. The department shall enter the information,
16 from any report submitted, within thirty days of
17 receipt of the report, and shall immediately destroy
18 the report following entry of the information.
19 However, entry of the information from a report shall
20 not include any health care provider or clinic
21 identification information including, but not limited
22 to, the confidential health care provider code, as
23 assigned by the department.

24 c. To protect confidentiality, the department
25 shall limit release of information to release in an
26 aggregate form which avoids identification of any
27 individual patient, health care provider, or clinic.
28 For the purposes of this paragraph, "aggregate form"
29 means a compilation of the information received by the
30 department of medical procedures for each information
31 item listed, with the exceptions of the report
32 tracking number, the health care provider code, and
33 any set of information for which the amount is so
34 small that confidentiality of any person to whom the
35 information relates may be compromised.

36 3. Except as specified in subsection 2, reports,
37 information, and records submitted and maintained
38 pursuant to this section are strictly confidential and
39 shall not be released or made public upon subpoena,
40 search warrant, discovery proceedings, or by any other
41 means.

42 4. The department shall assign a code to any
43 health care provider who may be required to report a
44 medical procedure under this section. An application
45 procedure shall not be required for assignment of a
46 code to a health care provider.

47 5. A health care provider shall assign a report
48 tracking number which enables the health care provider
49 to access the patient's medical information without
50 identifying the patient.

H-1043

Page 3

1 6. To ensure proper performance of the reporting
 2 requirements under this section, it is preferred that
 3 a health care provider authorize one staff person to
 4 fulfill the reporting requirements.
 5 7. For the purposes of this section, "health care
 6 provider" means an individual licensed under chapter
 7 148, 148C, 148D, 150, 150A, or 152, or any individual
 8 who provides medical services under the authorization
 9 of the licensee.
 10 Sec. 2. Section 144.52, Code 1997, is amended by
 11 adding the following new subsection:
 12 NEW SUBSECTION. 7. Violates a provision of
 13 section 144.29A."
 14 2. Title page, lines 1 and 2, by striking the
 15 words: "terminations of pregnancy" and inserting the
 16 following: "medical procedures performed in a medical
 17 clinic".

By GRUNDBERG of Polk

H-1043 FILED FEBRUARY 18, 1997

w/d 4/16/97 (p. 1278)

HOUSE FILE 235

H-1044

1 Amend House File 235 as follows:
 2 1. Page 3, line 3, by striking the word "avoids"
 3 and inserting the following: "prevents".

By GRUNDBERG of Polk

H-1044 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p. 1281)

HOUSE FILE 235

H-1045

1 Amend House File 235 as follows:
 2 1. Page 3, line 35, by striking the word
 3 "Violates" and inserting the following: "Knowingly
 4 violates".
 5 2. Page 4, line 1, by inserting after the figure
 6 "144.29A" the following: "relating to
 7 confidentiality".

By METCALF of Polk

H-1045 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p. 1281)

HOUSE FILE 235

H-1046

1 Amend House File 235 as follows:
 2 1. Page 1, by striking line 18.

By BUKTA of Clinton

H-1046 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p. 1281)

HOUSE FILE 235

H-1042

- 1 Amend House File 235 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "information" the following: "that is available".

By MASCHER of Polk

H-1042 FILED FEBRUARY 18, 1997

Ruled 4-16-97 (p.1281)

HOUSE FILE 235

H-1051

1 Amend House File 235 as follows:

- 2 1. Page 1, line 1, by inserting after the word
3 "PREGNANCY" the following: "AND VASECTOMIES".
4 2. Page 1, line 5, by inserting after the word
5 "pregnancy" the following: "or who performs a
6 vasectomy".
7 3. Page 1, line 6, by inserting after the word
8 "termination" the following: "or vasectomy".
9 4. Page 1, line 8, by inserting after the word
10 "termination" the following: "or vasectomy, as
11 applicable".
12 5. Page 1, line 20, by inserting after the word
13 "pregnancies" the following: "or the number of
14 previous vasectomies".
15 6. Page 1, line 21, by inserting after the word
16 "termination" the following: "or vasectomy".
17 7. Page 1, line 32, by inserting after the word
18 "pregnancy" the following: "or vasectomy".
19 8. Page 1, line 34, by inserting after the word
20 "pregnancy" the following: "or who performs a
21 vasectomy".
22 9. Page 2, line 1, by inserting after the word
23 "induced" the following: "or in which a vasectomy is
24 performed".
25 10. Page 2, line 28, by inserting after the word
26 "termination" the following: "or vasectomy".
27 11. Page 3, line 7, by inserting after the word
28 "pregnancies" the following: "or vasectomies".
29 12. Page 3, line 18, by inserting after the word
30 "termination" the following: "or vasectomy".
31 13. Title page, line 2, by inserting after the
32 word "pregnancy" the following: "and vasectomies".

By CONNORS of Polk

H-1051 FILED FEBRUARY 18, 1997

Ruled 4/16/97 (p. 1281)

HOUSE FILE 235

H-1052

1 Amend House File 235 as follows:

- 2 1. Page 3, line 11, by inserting after the word
3 "compromised." the following: ""Aggregate form" also
4 means that any compilation of the information shall
5 not be based on an area which is smaller than a region
6 of the department of human services."

By BRAND of Tama

H-1052 FILED FEBRUARY 18, 1997

Ruled 4/16/97 (p. 1281)

HOUSE FILE 235

H-1047

- 1 Amend House File 235 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "information" the following: "that is available".
- 4 2. Page 1, line 14, by inserting after the word
- 5 "patient" the following: "and of the male partner
- 6 responsible for the pregnancy".
- 7 3. Page 1, line 15, by inserting after the word
- 8 "patient" the following: "and of the male partner
- 9 responsible for the pregnancy".
- 10 4. Page 1, line 16, by inserting after the word
- 11 "patient" the following: "and of the male partner
- 12 responsible for the pregnancy".
- 13 5. Page 1, line 17, by inserting after the word
- 14 "patient" the following: "and of the male partner
- 15 responsible for the pregnancy".
- 16 6. Page 1, line 18, by inserting after the word
- 17 "patient" the following: "and of the male partner
- 18 responsible for the pregnancy".

By FALLON of Polk

H-1047 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1048

- 1 Amend House File 235 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following:
- 4 "o. The religious affiliation of the patient and
- 5 of the male partner responsible for the pregnancy."

By FALLON of Polk

H-1048 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1049

- 1 Amend House File 235 as follows:
- 2 1. Page 1, by striking line 15.
- 3 2. By renumbering as necessary.

By HUSER of Polk

H-1049 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1050

- 1 Amend House File 235 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following:
- 4 "o. The income of the patient and of the male
- 5 partner responsible for the pregnancy."

By DOTZLER of Black Hawk

H-1050 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1053

1 Amend House File 235 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 144.29A TERMINATION OF
5 PREGNANCY REPORTING.

6 1. A health care provider who initially identifies
7 and diagnoses a spontaneous termination of pregnancy
8 or who induces a termination of pregnancy shall file
9 with the department a report for each termination
10 within thirty days of the occurrence. The report
11 shall contain all of the following information with
12 respect to each termination:

13 a. The confidential report tracking number.

14 b. Whether the patient is age eighteen or over or
15 under the age of eighteen.

16 c. The marital status of the patient.

17 d. That an induced termination has occurred if the
18 termination is induced.

19 2. It is the intent of the general assembly that
20 the information shall be collected, reproduced,
21 released, and disclosed for the purposes of preventing
22 unwanted pregnancies, decreasing the pregnancy rate of
23 individuals under eighteen years of age, promoting the
24 health and welfare of Iowa, and securing federal
25 funding, in a manner specified by rule of the
26 department, pursuant to chapter 17A. The department
27 may share information with federal public health
28 officials for the purposes of securing federal funding
29 or conducting public health research. However, in
30 sharing the information, the department shall not
31 relinquish control of the information, and any
32 agreement entered into by the department with federal
33 public health officials to share information shall
34 prohibit the use, reproduction, release, or disclosure
35 of the information by federal public health officials
36 in a manner which violates this section. The
37 department shall publish, annually, a demographic
38 summary of the information obtained pursuant to this
39 section, except that the department shall not
40 reproduce, release, or disclose any information
41 obtained pursuant to this section which reveals the
42 identity of any patient, health care provider,
43 hospital, clinic, or other health facility, and shall
44 ensure anonymity in the following ways:

45 a. The department shall use a confidential report
46 tracking number for the sole purpose of information
47 collection and verification prior to entry of the
48 information. Following collection and verification of
49 the information, the department shall use, reproduce,
50 release, and disclose any information collected only

H-1053

-1-

H-1053

Page 2

1 for the purpose of annually publishing the demographic
2 summary.

3 b. The department shall enter the information,
4 from any report of termination submitted, within
5 thirty days of receipt of the report, and shall
6 immediately destroy the report following entry of the
7 information. However, entry of the information from a
8 report shall not include any health care provider,
9 hospital, clinic, or other health facility
10 identification information.

11 c. To protect confidentiality, the department
12 shall limit release of information to release in an
13 aggregate form which avoids identification of any
14 individual patient, health care provider, hospital,
15 clinic, or other health facility. For the purposes of
16 this paragraph, "aggregate form" means a compilation
17 of the information received by the department of
18 termination of pregnancies for each information item
19 listed, with the exceptions of the confidential report
20 tracking number, and any set of information for which
21 the amount is so small that confidentiality of any
22 person to whom the information relates may be
23 compromised. "Aggregate form" also means that any
24 compilation of information shall not be based on an
25 area which is smaller than a region of the department
26 of human services.

27 3. Except as specified in subsection 2, reports,
28 information, and records submitted and maintained
29 pursuant to this section are strictly confidential and
30 shall not be released or made public upon subpoena,
31 search warrant, discovery proceedings, or by any other
32 means.

33 4. A health care provider shall assign a
34 confidential report tracking number which enables the
35 health care provider to access the patient's medical
36 information without identifying the patient.

37 5. To ensure proper performance of the reporting
38 requirements under this section, it is preferred that
39 a health care provider who practices within a
40 hospital, clinic, or other health facility authorize
41 one staff person to fulfill the reporting
42 requirements.

43 6. For the purposes of this section, "health care
44 provider" means an individual licensed under chapter
45 148, 148C, 148D, 150, 150A, or 152, or any individual
46 who provides medical services under the authorization
47 of the licensee.

48 Sec. 2. Section 144.52, Code 1997, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 7. Knowingly violates a provision

H-1053

-2-

H-1053

Page 3

1 of section 144.29A relating to confidentiality."

By GRUNDBERG of Polk

H-1053 FILED FEBRUARY 18, 1997

w/d 4/16/97 (p. 1278)

HOUSE FILE 235

H-1058

- 1 Amend House File 235 as follows:
2 1. Page 3, by inserting after line 11 the
3 following:
4 "d. The department shall not reproduce, release,
5 or disclose information in a manner which categorizes
6 the information by county or is in any manner county-
7 specific."

By BRAND of Tama

H-1058 FILED FEBRUARY 18, 1997

Ruled 4/6 4-16-97 (p.1281)

HOUSE FILE 235

H-1059

- 1 Amend House File 235 as follows:
2 1. Page 1, lines 3 and 4, by striking the words
3 "identifies and diagnoses a spontaneous termination of
4 pregnancy or who".
5 2. Page 1, line 20, by striking the words
6 "spontaneous or".
7 3. Page 1, by striking line 25.
8 4. Page 1, line 33, by striking the words
9 "identifies and diagnoses or".
10 5. Page 2, line 1, by striking the words
11 "identified and diagnosed or".
12 6. By relettering as necessary.

By METCALF of Polk

H-1059 FILED FEBRUARY 18, 1997

Ruled 4/6 4/16/97 (p.1281)

HOUSE FILE 235

H-1054

1 Amend House File 235 as follows:
 2 1. Page 4, by inserting after line 1 the
 3 following:
 4 "Sec. ____ . CONTINGENT EFFECTIVE DATE. This Act
 5 shall not take effect unless an appropriation is
 6 enacted or the state's share of the cost is specified
 7 in accordance with section 25B.2, subsection 3."
 8 2. Title page, by striking line 2 and inserting
 9 the following: "pregnancy, establishing a penalty,
 10 and providing a contingent effective date."

By METCALF of Polk

H-1054 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1055

1 Amend House File 235 as follows:
 2 1. Page 3, line 10, by inserting after the word
 3 "small" the following: ", with fifty or fewer
 4 incidences always being considered too small,".

By MASCHER of Johnson

H-1055 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1056

1 Amend House File 235 as follows:
 2 1. Page 3, line 11, by inserting after the word
 3 "compromised." the following: "The department shall
 4 establish a methodology to provide a statistically
 5 verifiable basis for any determination of the correct
 6 amount at which information may be released so that
 7 the confidentiality of any person is not compromised."

By METCALF of Polk

H-1056 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1057

1 Amend House File 235 as follows:
 2 1. Page 1, by inserting after line 27 the
 3 following:
 4 "o. The total number of other pregnancies for
 5 which the male partner responsible for the pregnancy
 6 is responsible."

By BRAND of Tama

H-1057 FILED FEBRUARY 18, 1997

Ruled % 4-16-97 (p.1281)

HOUSE FILE 235

H-1068

1 Amend House File 235 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 144.29A TERMINATION OF
5 PREGNANCY REPORTING.
6 1. A health care provider who initially identifies
7 and diagnoses a spontaneous termination of pregnancy
8 or who induces a termination of pregnancy shall file
9 with the department a report for each termination
10 within thirty days of the occurrence. The report
11 shall contain all of the following information that is
12 available with respect to each termination:
13 a. The confidential health care provider code as
14 assigned by the department.
15 b. The type of health facility.
16 c. The report tracking number.
17 d. The state of residence and, if this state, the
18 county of residence of the patient.
19 e. The race of the patient.
20 f. The age of the patient.
21 g. The marital status of the patient.
22 h. The educational level of the patient.
23 i. The number of previous pregnancies, live
24 births, and spontaneous or induced termination of
25 pregnancies.
26 j. The month and year in which the termination
27 occurred.
28 k. The number of weeks since the patient's last
29 menstrual period and a clinical estimate of gestation.
30 l. Complications, if any.
31 m. The cause of spontaneous termination, if known.
32 n. The type of termination procedure, if the
33 termination is induced.
34 2. It is the intent of the general assembly that
35 the information shall be collected, reproduced,
36 released, and disclosed in a manner specified by rule
37 of the department, adopted pursuant to chapter 17A,
38 which ensures the anonymity of the patient who
39 experiences a termination of pregnancy, the health
40 care provider who identifies and diagnoses or induces
41 a termination of pregnancy, and the hospital, clinic,
42 or other health facility in which a termination of
43 pregnancy is identified and diagnosed or induced. The
44 department may share information with federal public
45 health officials for the purposes of securing federal
46 funding or conducting public health research.
47 However, in sharing the information, the department
48 shall not relinquish control of the information, and
49 any agreement entered into by the department with
50 federal public health officials to share information

H-1068

-1-

H-1068

Page 2

1 shall prohibit the use, reproduction, release, or
 2 disclosure of the information by federal public health
 3 officials in a manner which violates this section.
 4 The department shall publish, annually, a demographic
 5 summary of the information obtained pursuant to this
 6 section, except that the department shall not
 7 reproduce, release, or disclose any information
 8 obtained pursuant to this section which reveals the
 9 identity of any patient, health care provider,
 10 hospital, clinic, or other health facility, and shall
 11 ensure anonymity in the following ways:

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

20 b. The department shall enter the information,
 21 from any report of termination submitted, within
 22 thirty days of receipt of the report, and shall
 23 immediately destroy the report following entry of the
 24 information. However, entry of the information from a
 25 report shall not include any health care provider,
 26 hospital, clinic, or other health facility
 27 identification information including, but not limited
 28 to, the confidential health care provider code, as
 29 assigned by the department.

30 c. To protect confidentiality, the department
 31 shall limit release of information to release in an
 32 aggregate form which avoids identification of any
 33 individual patient, health care provider, hospital,
 34 clinic, or other health facility. For the purposes of
 35 this paragraph, "aggregate form" means a compilation
 36 of the information received by the department on
 37 termination of pregnancies for each information item
 38 listed, with the exceptions of the report tracking
 39 number, the health care provider code, and any set of
 40 information for which the amount is so small that the
 41 confidentiality of any person to whom the information
 42 relates may be compromised. The department shall
 43 establish a methodology to provide a statistically
 44 verifiable basis for any determination of the correct
 45 amount at which information may be released so that
 46 the confidentiality of any person is not compromised.

47 3. Except as specified in subsection 2, reports,
 48 information, and records submitted and maintained
 49 pursuant to this section are strictly confidential and
 50 shall not be released or made public upon subpoena,

H-1068

H-1068

Page 3

1 search warrant, discovery proceedings, or by any other
2 means.

3 4. The department shall assign a code to any
4 health care provider who may be required to report a
5 termination under this section. An application
6 procedure shall not be required for assignment of a
7 code to a health care provider.

8 5. A health care provider shall assign a report
9 tracking number which enables the health care provider
10 to access the patient's medical information without
11 identifying the patient.

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

18 7. For the purposes of this section, "health care
19 provider" means an individual licensed under chapter
20 148, 148C, 148D, 150, 150A, or 152, or any individual
21 who provides medical services under the authorization
22 of the licensee.

23 8. For the purposes of this section, "inducing a
24 termination of pregnancy" means the use of any means
25 to terminate the pregnancy of a woman known to be
26 pregnant with the intent other than to produce a live
27 birth or to remove a dead fetus.

28 Sec. 2. Section 144.52, Code 1997, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 7. Violates a provision of
31 section 144.29A."

By CARROLL of Poweshiek

H-1068 FILED FEBRUARY 20, 1997

Adopted 4-16-97 (p.1281)

Carroll, ch

LORD
Burnett

HSB 35
HUMAN RESOURCES

Succeeded By
SF/HF 23

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the statistical reporting of terminations of
2 pregnancy and establishing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

Revised By

1 Section 1. NEW SECTION. 144.29A TERMINATION OF PREGNANCY
2 REPORTING.

3 1. A health care provider who identifies a spontaneous
4 termination of pregnancy or who induces a termination of
5 pregnancy shall file with the department a report for each
6 termination within thirty days of the occurrence. The report
7 shall contain all of the following information with respect to
8 each termination:

9 a. The confidential health care provider code as assigned
10 by the department.

11 b. The health facility.

12 c. The patient number.

13 d. The state of residence and, if this state, the county
14 of residence of the patient.

15 e. The race of the patient.

16 f. The age of the patient.

17 g. The marital status of the patient.

18 h. The educational level of the patient.

19 i. The number of previous pregnancies, live births, and
20 spontaneous or induced termination of pregnancies.

21 j. The month and year in which the termination occurred.

22 k. The number of weeks since the patient's last menstrual
23 period.

24 l. Complications, if any.

25 m. The cause of spontaneous termination, if known.

26 n. The type of termination procedure, if the termination
27 is induced.

28 2. The information shall be collected in a manner
29 specified by rule of the department, pursuant to chapter 17A,
30 and which ensures the anonymity of the patient who experiences
31 a termination of pregnancy, the health care provider who
32 identifies or induces a termination of pregnancy, and the
33 hospital, clinic, or other health facility in which a termina-
34 tion of pregnancy is identified or induced. The department
35 may share information with national public health officials

1 and shall publish, annually, demographic summaries of the
2 information obtained pursuant to this section, except that the
3 department shall not disclose any information obtained
4 pursuant to this section which reveals the identity of any
5 patient, health care provider, or hospital, clinic, or other
6 health facility, and shall ensure anonymity in the following
7 ways:

8 a. The department may use information concerning the
9 patient number or concerning the identity of a specific
10 reporting hospital, clinic, or other health facility only for
11 purposes of data collection. The department shall not
12 reproduce this information for any purpose, and shall not
13 extrapolate this information for any purposes other than for
14 use in annually publishing the demographic summary under this
15 section.

16 b. The department shall enter the data from any report of
17 termination submitted within thirty days of receipt of the
18 report, and shall immediately destroy the report following
19 entry of the data. However, entry of the data from a report
20 shall not include any health care provider identification
21 information including, but not limited to, the confidential
22 health care provider code contained in the report.

23 c. To protect confidentiality, the department shall limit
24 release of data to release in an aggregate form which avoids
25 identification of any individual patient, health care
26 provider, hospital, clinic, or other health facility.

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

32 4. For the purposes of this section, "health care
33 provider" means a person providing health care services of any
34 kind.

35 Sec. 2. Section 144.52, Code 1997, is amended by adding

~~6217~~

1 the following new subsection:

2 NEW SUBSECTION. 7. Violates a provision of section
3 144.29A.

4 EXPLANATION

5 This bill requires the reporting of both spontaneous and
6 induced terminations of pregnancy to the Iowa department of
7 public health within 30 days of the occurrence.

8 The bill lists the information to be included in a report
9 and requires the department to adopt rules which specify the
10 collection procedures to be used and which ensure anonymity of
11 all parties related to the report.

12 The bill authorizes the Iowa department of public health to
13 share information with national public health officials, and
14 requires the department to annually publish demographic
15 summaries of the information obtained through the reports.

16 The bill also establishes the manner of use of the information
17 in order to ensure confidentiality of all parties related to
18 the report, including the following: limiting the use of the
19 data collected to the annual publishing of the demographic
20 summary; requiring that entry of data from reports be
21 performed within 30 days of the receipt of a report and that
22 the data then be immediately destroyed; prohibiting data
23 entered from including any health care provider identification
24 information; and protecting confidentiality by limiting the
25 release of data to release in an aggregate form. The bill
26 also provides that except as otherwise specified in the bill,
27 reports, information, and records submitted and maintained
28 under the bill are confidential and are not to be released or
29 made public upon subpoena, search warrant, discovery
30 proceedings, or by any other means.

31 The bill establishes a penalty of a serious misdemeanor for
32 violation of reporting requirements of the bill.

33
34
35