



Department of Health

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June 3, 2013

The Honorable John Upton, Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

Dear Representative Upton:

RE: Response to Questions from the Congress of the United States, House of Representatives, Committee on Energy and Commerce

Below find the Rhode Island Department of Health's response to the Committee's request for information regarding abortion clinics in Rhode Island.

#### QUESTION 1

**Does your state license abortion clinics or those facilities and providers who perform abortions? If so, please identify what information must be provided or requirements must be met for a facility or provider to be licensed. In addition, please identify the number of abortion clinics licensed in your state for each year from 2008-2013.**

#### ANSWER TO QUESTION 1

The Rhode Island Department of Health (hereafter "the Department") licenses facilities that perform abortions. There are two such facilities licensed in the State of Rhode Island. The license required by these facilities is called a Freestanding Ambulatory Surgical Centers (hereafter "FASC") license. Application for initial licensing of a FASC is subject to the requirements of the "Health Care Certificate of Need Act of Rhode Island" (hereafter "CON") which requires a review before the Health Service Council and approval by the Director of the Department of Health (hereafter "Director"). Once a CON is approved, the entity submits a licensing application (attached - currently no initial or annual fee) to the Department's Office of Facilities Regulation (hereafter "OFR"). Prior to issuing the license an on-site inspection is conducted, during which the rules and regulations for FASC and the Department's regulations regarding the termination of a pregnancy are reviewed. (Please see both rules attached). In 1987 two FASCs were issued licenses with the understanding that abortions would be performed at those facilities. These facilities have remained licensed to date. The names and license information of these two facilities are: Planned Parenthood of Southern New England, Providence License #: FAS-01025 and Women's Medical Center of RI, Cranston License #: FAS-01001.

Rhode Island does not license physicians by specialty. Any physician licensed by the Department may perform abortions in Rhode Island.

**QUESTION 2**

**For the years 2008-2013, please identify each abortion clinic for which your state has suspended or revoked its license and the reason for this action.**

**ANSWER TO QUESTION 2**

During the period from 2008 to 2013, the Department has not suspended or revoked the license for either of the above named facilities.

**QUESTION 3**

**Does your state conduct inspections of abortion clinics or facilities that perform abortions? If so, please identify the number of clinics that your state has inspected for each year from 2008-2013. In addition, please identify how an inspection is conducted and what information is examined in the course of an inspection.**

**ANSWER TO QUESTION 3**

Initial licensure of a FASC requires an inspection prior to issuance of the FASC license. Initial inspections are scheduled and conducted when the FASC applicant notifies the Department that the facility is organized and ready for inspection. These initial inspections include an on-site visit, tour and review of the physical plant, a review of established policies and procedures and the appropriate credentialing and qualifications of staff. In addition, the Department reviews the applicant's operational plans for implementation of key skill and focus areas for the FASC as outlined in the FASC regulatory requirements. For instance, the Department reviews organization and management plans, patient care services plans, environmental maintenance plans, and physical plant and equipment plans. Each skill area has additional regulatory standards, such as Patient Care Services, including but not limited to: Admission, Transfer and Discharge; Patient Care Management; Anesthesia Service, Nursing Care Services, and Infection control.

Once licensed, the Department performs inspections of all FASCs, including those that perform abortions. The FASC license is renewed from year to year after inspection by the Department. FASC inspections are also conducted in response to complaints. All inspections, whether routine or complaint driven, are conducted unannounced and for compliance with existing state regulations governing FASCs.

**QUESTION 4**

**Does your state monitor complaints or adverse health events relating to abortions? If so, how are these complaints filed or processed? How many complaints relating to abortions or abortion clinics have been filed for each year from 2008-2013?**

**(a) Please explain how your state investigates the complaints it receives relating to abortions. In addition, please explain how many investigations, including those that included inspections of abortion clinics, have resulted from complaints filed for each year from 2008-2013.**

ANSWER TO QUESTION 4

The Department monitors complaints relating to abortions through its complaint intake & triage process. This system identifies and prioritizes consumer complaint allegations and determines an investigation schedule. All facilities are required by state regulation to report substantial incidents and events to the Department. Failure to report such incidents and events may trigger an adverse licensing action by the Department.

Program Supervisors review complaints and facility generated reports and assign field inspectors to conduct unannounced, on-site investigation. Inspectors review compliance issues related to the allegations or issues regarding the facility report. Issues of non-compliance are outlined in an inspection report and the provider must submit a plan of correction. The inspection report and plan of correction are public documents.

(a) There was one consumer complaint and one facility self report for Planned Parenthood during 2008-2013. There were no complaints or facility self reports for Women's Medical during 2008-2013.

QUESTION 5

**Please explain whether your state, including state professional licensure boards, has initiated any disciplinary actions against facilities or health care providers relating to abortions? Please identify the number of disciplinary actions taken in each year from 2008-2013 and the underlying violation or reason for the action.**

ANSWER TO QUESTION 5

As noted, the Department licenses FASCs and these facilities may perform abortions upon approval by the Department. The Department has not taken disciplinary actions against either FASC performing abortions.

Also as noted, any licensed physician may perform abortion procedures. Rhode Island does not have licensed physician specialists. The Department does not track professional physician license disciplinary proceedings by procedure. Therefore, the Department cannot determine what disciplinary actions, if any, have been taken against physicians employed at either FASC performing abortions or elsewhere.

QUESTION 6

**Please provide copies of the rules and regulations that govern facilities and licensed health care providers in your state that perform abortions, including the rules and regulations that specifically govern how abortions are conducted in your state.**

**(a) Which of these laws is your agency tasked with enforcing and how do you enforce them?**

ANSWER TO QUESTION 6

Please see Rules and Regulations for the Licensing of FASCs and Rules and Regulations for the Licensee and Discipline of Physicians.

(a) The Department enforces both sets of regulations. As noted, the Department inspects health care facilities. The Department also performs investigations of facilities and providers upon receipt of a complaint. Facilities and health care providers are subject to discipline for violation of the regulations after proper notice and hearing. Disciplinary proceedings may result in the suspension or revocation of the FASC license or suspension or revocation of the physician's license.

QUESTION 7

**On April 19, 2005, the Assistant Secretary of Children and Families issued a Program Instruction to state agencies administering the Child Abuse Prevention and Treatment Act (CAPTA) program. The instruction requires states to have procedures for responding to reports of medical neglect (including the withholding or medically indicated treatment from disabled infants with life-threatening condition), and applies those protections equally to born-alive infants.**

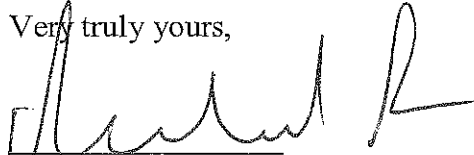
**(a) What actions has your state taken since 2005 to ensure that, at every licensed health care facility that provides abortions, there is a designated individual to report suspected medical neglect (including withholding of medically indicated treatment from disabled infants with life-threatening conditions) of born-alive infants to the state child protective services agency? Has the state received any such notifications and what were the outcomes?**

**(b) Does your state child protective services agency annually contact each health care facility to obtain purpose of coordination, consultation, and notification pursuant to 45C.F.R & 1340.15? Does this contact include health care facilities that provide abortions? Please provide a list of all such designations.**

ANSWER TO QUESTION 7

(a) The Department does not administer the CAPTA program or possess records or information regarding that program. The Department is not familiar with procedures for administration of any program conforming to 45 C.F.R. 1340.15.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Fine", with a stylized flourish extending to the right.

Michael Fine, MD  
Director