



# TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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COMMISSIONER

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January 17, 2014

**RE:** House Bill 2

Dear Health Care Facility Administrator:

During the Texas 83<sup>rd</sup> Second Called Session, 2013, the Texas Legislature enacted House Bill 2 (HB 2), which relates to the regulation of abortion procedures, providers, and facilities. The Department of State Health Services has received requests for guidance concerning licensed facilities' duties under the legislation. The Department recently adopted administrative rules to implement some of the requirements of HB 2. Some requirements of the bill took effect October 29, 2013, and others will take effect September 1, 2014. The Department offers this non-exhaustive summary of some of the relevant provisions of HB 2 to assist persons who are interested in reviewing the relevant statutory and regulatory changes.

The text of HB 2 can be viewed or downloaded at:

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=832&Bill=HB2>.

HB 2 requires the minimum standards for licensed abortion facilities to be equivalent to the minimum standards adopted under Texas Health and Safety Code, §243.010 for ambulatory surgical centers on and after **September 1, 2014**. The applicable health care facility licensing rules went into effect on January 1, 2014, and are available for review on the following website:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=25&pt=1&ch=139](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=139).

The remaining provisions of HB 2 went into effect as described below:

## **Requirements Relating to Qualifications and Duties of Physicians**

HB 2 specifies requirements of admitting privileges for physicians who perform or induce abortions and requires specific information be provided to the patient. These provisions went into effect November 1, 2013, as a result of court proceedings.

## **Abortion prohibited at or after 20 weeks post-fertilization**

A physician may not perform or induce or attempt to perform or induce an abortion on a woman if the age of the unborn child is 20 or more weeks, effective October 29, 2013.

## **Administration of Abortion Inducing Drugs (Enforcement by the Texas Medical Board)**

Effective October 29, 2013, HB 2 dictates specific requirements and protocols be followed for medical abortions.

- Only a physician can give, sell, dispense, administer, provide, or prescribe an abortion-inducing drug.
- The abortion-inducing drug must satisfy the protocol tested and authorized by the United States Food and Drug Administration.
- The abortion-inducing drug may be administered in the dosage amount prescribed by the clinical management guidelines defined by the American Congress of Obstetricians and Gynecologist (ACOG) Practice Bulletin as those guidelines existed on January 1, 2013.

The bill also imposes certain duties that also took effect October 29, 2013, on a physician who gives, sells, dispenses, administers, provides or prescribes an abortion-inducing drug:

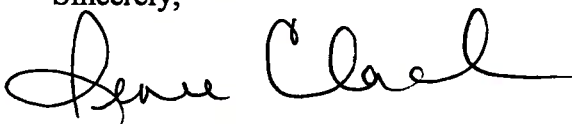
- The physician must examine the pregnant woman before providing the patient an abortion-inducing drug and document, in the woman's medical record, the gestational age and intrauterine location of the pregnancy.
- The physician must provide the patient with specific information to inform her about the drug and whom she can contact for assistance with complications.
- The physician must schedule a follow-up visit within 14 days after use of the abortion-inducing drug.
- At the follow-up visit the physician must also confirm the termination of the pregnancy and assess the degree of bleeding.
- The physician must also report any known serious adverse events to the Food and Drug Administration (FDA) within three days.

### **Reporting Requirements**

HB 2 also amended the data required to be reported annually to the department on each abortion that is performed. The amended reporting requirements were effective October 29, 2013.

For questions or concerns related to facility licensing and regulations, please submit an e-mail to [Allison.hughes@dshs.state.tx.us](mailto:Allison.hughes@dshs.state.tx.us) or contact Allison Hughes, Health Facilities Rule Coordinator, Health Care Quality Section at (512) 834-6775. Physicians seeking additional information about the requirements of HB 2 should refer to the Texas Medical Board at (512) 305-7010.

Sincerely,



Renee Clack, L.N.F.A.  
Director, Health Care Quality Section  
Division for Regulatory Services