

1 H.57

2 Representative Strong of Albany moves that the bill be amended as follows:

3 First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with
4 reproductive choice prohibited), in subsection (a), before “public entity” by
5 striking out the word “A” and inserting in lieu thereof the following:

6 Except as provided in chapter 224 of this title, a

7 Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion;
8 restricting access prohibited) before “public entity shall not” by striking out the
9 word “A” and inserting in lieu thereof the following:

10 Except as provided in chapter 224 of this title, a

11 Third: By striking out Sec. 3 (effective date) in its entirety and inserting in
12 lieu thereof the following:

13 Sec. 3. 18 V.S.A. chapter 224 is added to read:

14 CHAPTER 224. FACILITATES PROVIDING ABORTIONS

15 Subchapter 1. General Provisions

16 § 9499. DEFINITIONS

17 As used in this chapter:

18 (1) “Facility providing abortions” means any distinct entity that, as all or
19 part of the health care services it provides, performs or induces abortions.

20 (2) “Patient” means a person admitted to or receiving health care
21 services from a facility providing abortions.

1 (3) “Physician” means a physician licensed pursuant to 26 V.S.A.
2 chapter 23 or 33.

3 Subchapter 2. Licensure of Facilities Providing Abortions

4 § 9499a. LICENSE

5 No person shall establish, maintain, or operate a facility providing abortions
6 in this State without first obtaining a license for the facility providing abortions
7 in accordance with this subchapter.

8 § 9499b. APPLICATION; FEE

9 (a) An application for licensure of a facility providing an abortion shall be
10 made to the Department of Health on forms provided by the Department and
11 shall include all information required by the Department. Each application for
12 a license shall be accompanied by a license fee.

13 (b) The annual licensing fee for a facility providing abortions shall be
14 \$2,000.00, provided that the fee for an applicant that presents evidence of
15 current accreditation by an accrediting organization approved by the
16 Department shall be reduced by the amount paid to the accrediting
17 organization to obtain the accreditation.

18 (c) Fees collected under this section shall be credited to a special fund
19 established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and
20 shall be available to the Department of Health to offset the costs of licensing
21 facilities providing abortions.

1 § 9499c. LICENSE REQUIREMENTS

2 (a) Upon receipt of an application for a license and the licensing fee, the
3 Department of Health shall issue a license if it determines that the applicant
4 and the facilities of the facility providing abortions meet the following
5 minimum standards:

6 (1) The applicant shall demonstrate the capacity to operate a facility
7 providing abortions in accordance with rules adopted by the Department.

8 (2) The applicant shall demonstrate that its facilities comply fully with
9 standards for health, safety, and sanitation as required by State law, including
10 standards set forth by the State Fire Marshal and the State Board of Health, and
11 municipal ordinance.

12 (3) The facility providing abortions shall not mix functions or operations
13 in a common space with another entity during concurrent or overlapping hours
14 of operation.

15 (4) The clinical services provided by the facility providing abortions
16 shall be managed by a medical director, who shall be a physician.

17 (5) The facility providing abortions shall ensure that all patients
18 admitted to or receiving services from the facility providing abortions shall be
19 under the care of a practicing physician.

1 (6) The nursing service of the facility providing abortions shall be
2 directed at all times by a registered nurse or advanced practice registered nurse
3 licensed pursuant to 26 V.S.A. chapter 28.

4 (7) The facility providing abortions shall have an organized medical
5 staff of not fewer than three members that shall meet at least annually.

6 (b) A license is not transferable or assignable and shall be issued only for
7 the premises and persons named in the application.

8 § 9499d. REVOCATION OF LICENSE, HEARING

9 The Department of Health, after notice and opportunity for hearing to the
10 applicant or licensee, is authorized to deny, suspend, or revoke a license in any
11 case in which it finds that there has been a substantial failure to comply with
12 the requirements established under this chapter. Such notice shall be served by
13 registered mail or by personal service, shall set forth the reasons for the
14 proposed action, and shall set a date not less than 60 days from the date of the
15 mailing or service on which the applicant or licensee shall be given
16 opportunity for a hearing. After the hearing, or upon default of the applicant or
17 licensee, the Department shall file its findings of fact and conclusions of law.
18 A copy of the findings and decision shall be sent by registered mail or served
19 personally upon the applicant or licensee. The procedure governing hearings
20 authorized by this section shall be in accordance with the usual and customary
21 rules provided for such hearings.

1 § 9499e. APPEAL

2 Any applicant or licensee, or the State acting through the Attorney General,
3 aggrieved by the decision of the Department of Health after a hearing may,
4 within 30 days after entry of the decision as provided in section 2154 of this
5 title, appeal to the Superior Court for the district in which the appellant is
6 located. The court may affirm, modify, or reverse the Department’s decision,
7 and either the applicant or licensee or the Department or State may appeal to
8 the Vermont Supreme Court for such further review as is provided by law.
9 Pending final disposition of the matter, the status quo of the applicant or
10 licensee shall be preserved, except as the court otherwise orders in the public
11 interest.

12 § 9499f. INSPECTIONS

13 The Department shall make or cause to be made such inspections and
14 investigation as it deems necessary.

15 § 9499g. RECORDS

16 Information received by the Department through filed reports, inspections,
17 or as otherwise authorized by law:

18 (1) shall not be disclosed publicly in a manner that identifies or may
19 lead to the identification of one or more individuals or facilities providing
20 abortions;

1 (2) is exempt from public inspection and copying under the Public
2 Records Act; and

3 (3) shall be kept confidential except as it relates to a proceeding
4 regarding licensure of an facility providing abortions.

5 § 9499h. RULES

6 The Department shall adopt rules pursuant to 3 V.S.A. chapter 25 as needed
7 to carry out the purposes of this subchapter and subchapter 3 of this chapter.

8 To the extent practicable, the Department’s rules for licensure of facilities
9 providing abortions shall align with its rules for licensure of hospitals.

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on passage, provided that any facility providing
12 abortions on that date shall have six months to complete the licensure process.