

▶ you are not alone...

making an informed decision

Physician's Guide

Iowa Department of Public Health

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PURPOSE OF THIS DOCUMENT

This publication has been developed as an update for local physicians regarding their obligations under Iowa's "Parental Notification" Law, which includes the Decision Making Assistance Program and notification requirements established for pregnant minors. This document should be used in lieu of previously published physician's guides related to this law.

STATE LEGISLATION

The 76th Iowa General Assembly established the Decision Making Assistance Program, which is intended to assist pregnant minors in making informed decisions concerning their pregnancies. A minor is defined by law as "a person under 18 years of age who has not been and is not married". A video and accompanying handbook entitled *You Are Not Alone: Making An Informed Decision* were developed to assist with this process. The legislation also established procedures for the notification of a parent, legal guardian, or grandparent of a pregnant minor at least 48 hours prior to the performance of an abortion. For complete detail, please refer to Iowa Code Chapter 135L and accompanying rules in the Iowa Administrative Code 641-89.

DECISION MAKING ASSISTANCE PROGRAM

The stated mission of the Decision Making Assistance Program is to make available "a factual, age-appropriate, culturally diverse video and written materials from a balanced viewpoint for all options; materials that are medically accurate, unbiased, and presented in an objective, empathetic, non-directive manner to assist the minor in the decision-making process". The *You Are Not Alone: Making An Informed Decision* video and accompanying handbook contain information regarding the following options available to the pregnant minor:

- a) Terminating the pregnancy through abortion;
- b) Continuing the pregnancy to term and retaining parental rights; and
- c) Continuing the pregnancy to term and placing the child for adoption.

Physician Requirements:

Licensed physicians providing medical services related to the termination of a minor's pregnancy are required by Iowa Code Chapter 135L to *offer* a viewing of the video *You Are Not Alone: Making an Informed Decision* and the accompanying written materials to the pregnant minor seeking abortion. This offer is to be made during the initial appointment relating to the termination of the pregnancy. The minor is *not required* to watch the video or read the printed materials. However, the minor must sign and date the certification form (or an exact replica) found within the handbook. A copy of the certification form is to be given to the pregnant minor. The original is to be kept as part of the minor's permanent medical record related to the termination of the pregnancy.

The intent is that the pregnant minor watch the video, review the printed materials, seek answers to medical questions, and discuss concerns with a trusted adult before making a decision about her pregnancy. It is hoped that any pregnant minor be encouraged to review the materials and be referred to appropriate resources to answer questions regarding the three options.

To order copies of the *You Are Not Alone: Making An Informed Decision* videotape, minor's handbook, and/or this Physician's Guide, please contact the Iowa Department of Public Health's TEEN Line at 1-800-443-8336. A ten dollar fee to cover postage and handling will be charged for the video.

NOTIFICATION PROCESS PRIOR TO ABORTION

Under Iowa law, a parent must be notified at least 48 hours prior to the performance of an abortion on a pregnant minor. (Note exceptions listed below.) The physician who will perform the abortion is responsible for notification of a parent, either in person or by restricted certified mail. The notification must include

- a) Name of minor;
- b) Notification of intent to terminate the pregnancy; and
- c) Name, address, and relationship of the person to be notified.

The physician who performs the abortion must retain the original notification as a part of the minor's medical record related to the termination of the pregnancy. A copy of the notification is required to be given to the minor.

Exceptions to the notification of a parent:

The requirement to notify a parent *does not* apply if any of the following exist:

1. The abortion is already authorized in writing by a parent entitled to notification.
2. The pregnant minor submits to the physician who will perform the abortion a written reason for not notifying the parent and a reason for notifying a grandparent. All written documentation is to be kept as a part of the minor's medical record relating to the termination of the pregnancy. In this case, it is the physician's responsibility to see that the grandparent is notified at least 48 hours prior to the performance of the abortion. The notification is to be delivered in person or by restricted certified mail. This notification must include
 - a) Name of the minor;
 - b) Notification of the intent to terminate the pregnancy;
 - c) Name, address, and relationship of the person to be notified;
 - d) A declaration which informs the grandparent of the pregnant minor that the grandparent may be subject to civil action if the grandparent accepts notification; and
 - e) A provision that the grandparent of the pregnant minor may refuse acceptance of notification, and a provision that the grandparent immediately contact the licensed physician if refusing acceptance of the notification.

The physician must retain the original notification as a part of the minor's medical record related to the termination of the pregnancy. A copy of the notification is also required to be provided to the minor.

3. The licensed physician who will perform the abortion certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion. The physician must specify the basis for this judgment and place this written certification in the medical file of the pregnant minor.
4. The pregnant minor declares that either of the following is true:
 - a) She is a victim of child abuse and the person responsible for the care of the child is a parent, and the abuse has been reported pursuant to Iowa Code; or
 - b) A parent of the child is named in a report of founded child abuse.
5. The pregnant minor declares that she is a victim of sexual abuse and has reported this to law enforcement.
6. A court authorizes a waiver of notification following completion of proceedings prescribed in Iowa Code.

FRAUDULENT PRACTICE

Either of the following constitutes fraudulent practice in the fourth degree pursuant to Iowa Code:

1. Knowingly tendering a false original or copy of the signed and dated certification form to be retained by the licensed physician.
2. Knowingly tendering a false original or copy of the notification document mailed to a parent or grandparent, or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor.

