

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby amends Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

The purpose of Chapter 13 is to establish standards of medical practice for medical physicians and osteopathic physicians. The amendment establishes the standards of practice for physicians who prescribe or administer abortion-inducing drugs.

The Board approved the Notice of Intended Action during a regularly scheduled meeting on June 28, 2013. The rule making was promulgated by a petition calling on the Board to adopt the standards of practice. The Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0891C** on July 24, 2013. A public hearing was held on August 28, 2013.

Testimony was made at the hearing by 28 persons, and written comments from 244 individuals and organizations were received by the August 28, 2013, deadline.

Generally, supporters of the amendment said that standards are necessary to protect the safety of women who have chemical abortions in clinical settings where a physician does not perform a physical examination on the woman and a physician prescribes and administers the abortion-inducing drug via a videoconferencing system.

Generally, opponents of the amendment said that an appropriate physical examination of the woman is performed by non-physician staff of the clinic and that the videoconferencing system used by physicians to prescribe and administer the drug is safe. Opponents said that the rule would restrict access to chemical abortion services in rural areas of the state.

The Iowa Medical Society and the Iowa Osteopathic Medical Association asked the Board for more evaluation of the requirements in the amendment before adopting it.

On August 30, 2013, the Board voted to adopt and file an amendment that is identical to the noticed amendment.

Pursuant to Iowa Administrative Code 653—subparagraph 1.8(2)“c”(6), the Board posted on its Web site, www.medicalboard.iowa.gov, by September 28, 2013, a statement of the principal reasons for and against the rule it adopted, incorporating therein the reasons for overruling considerations urged against the rule.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 147, 148 and 272C.

This amendment will become effective November 6, 2013.

The following amendment is adopted.

Adopt the following **new** rule 653—13.10(147,148,272C):

653—13.10(147,148,272C) Standards of practice—physicians who prescribe or administer abortion-inducing drugs.

13.10(1) Definition. As used in this rule:

“Abortion-inducing drug” means a drug, medicine, mixture, or preparation, when it is prescribed or administered with the intent to terminate the pregnancy of a woman known to be pregnant.

13.10(2) Physical examination required. A physician shall not induce an abortion by providing an abortion-inducing drug unless the physician has first performed a physical examination of the woman to determine, and document in the woman’s medical record, the gestational age and intrauterine location of the pregnancy.

13.10(3) Physician’s physical presence required. When inducing an abortion by providing an abortion-inducing drug, a physician must be physically present with the woman at the time the abortion-inducing drug is provided.

13.10(4) *Follow-up appointment required.* If an abortion is induced by an abortion-inducing drug, the physician inducing the abortion must schedule a follow-up appointment with the woman at the same facility where the abortion-inducing drug was provided, 12 to 18 days after the woman's use of an abortion-inducing drug to confirm the termination of the pregnancy and evaluate the woman's medical condition. The physician shall use all reasonable efforts to ensure that the woman is aware of the follow-up appointment and that she returns for the appointment.

13.10(5) *Parental notification regarding pregnant minors.* A physician shall not induce an abortion by providing an abortion-inducing drug to a pregnant minor prior to compliance with the requirements of Iowa Code chapter 135L and rules 641—89.12(135L) and 641—89.21(135L) adopted by the public health department.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/2/13.