

TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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Dear Abortion Provider:

The purpose of this letter is to advise you of the passage of House Bill (HB) 3994 during the 84th Regular Session of the Texas Legislature. HB 3994 relates to the notice of and consent to an abortion for a minor. This new law applies to abortion facilities and ambulatory surgical centers (ASCs) that perform abortions; and addresses the following sections of Chapter 33, Family Code that are effective January 1, 2016:

§33.002 Parental Notice requires the following of a physician regarding proof of identity and age of the woman on which the physician performs an abortion:

- A physician shall use due diligence to determine that any woman on which the physician performs an abortion, has reached the age of majority or has had the disabilities of minority removed, by requesting proof of identity and age or a copy of the court order removing the disabilities of minority.
- If the woman is unable to provide proof of identity and age, the physician shall provide information to the woman on how to obtain proof of identity and age.
- If the woman is subsequently unable to obtain proof of identity and age and the physician chooses to perform the abortion, the physician shall document that proof of identity and age was not obtained on the annual Induced Abortion Reporting form.

The updated annual Induced Abortion Report form can be accessed on the department's website at: [http://www.dshs.state.tx.us/vs/reqproc/forms.shtm#abortion and autopsy forms](http://www.dshs.state.tx.us/vs/reqproc/forms.shtm#abortion%20and%20autopsy%20forms).

§33.0022 Medical Emergency Notification; Affidavit for Medical Record, requires that when a physician has insufficient time to provide parental notice and consent before performing a medical emergency abortion on an unemancipated minor:

- Within 24 hours after the abortion, the physician shall make a reasonable effort to inform, in person or by telephone, the parent, managing conservator, or guardian of the minor, of the abortion and the basis for the physician's determination that a medical emergency existed.

- Not later than 48 hours after the abortion, the physician shall send a written notice to the last known address of the parent, managing conservator, or guardian of the minor by certified mail, restricted delivery, return receipt requested, stating that a medical emergency abortion occurred and to contact the physician for more information and the medical records of the minor.
- The physician shall file the return receipt from the written notice, or documentation that the notice was returned as undeliverable, in the minor's medical record.
- The physician shall certify on the Medical Emergency Abortion Incident Report form, the specific medical emergency that necessitated the immediate abortion, for inclusion in the minor's medical record.

The updated Medical Emergency Abortion Incident Report form can be accessed on the department's website at: http://www.dshs.state.tx.us/vs/reqproc/forms.shtm#abortion_and_autopsy_forms.

DSHS will begin enforcement of this new law effective January 1, 2016. Failure to comply with this law will result in a deficiency citation and possible adverse disciplinary action.

If you have additional questions regarding HB 3994, please contact Allison Hughes, R.N., at (512) 834-6700.

Sincerely

Renee Clack, L.N.F.A.
Director, Health Care Quality Section
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