

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(Amended After Comments)

901 KAR 5:130. Certificate of abortion.

RELATES TO: KRS 213.011, 213.096

STATUTORY AUTHORITY: KRS 194A.050(1), 213.096(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 213.096(4) requires a person in charge of an institution or that person's designated representative to complete a certificate of an abortion if requested by the patient. This administrative regulation establishes the process for requesting a certificate of an abortion and incorporates by reference the certificate worksheet form.

Section 1. Definitions.

- (1) "Abortion" is defined by KRS 213.011(1).
- (2) "Fetal death" is defined by KRS 213.011(4).

Section 2. Certificate of abortion.

- (1) In accordance with KRS 213.096(4), a patient may request a certificate of abortion when the abortion is not reported as a stillbirth or fetal death.
- (2) The Abortion Certificate Worksheet, VS-920A, shall be:
 - (a) Signed by the person in charge of the institution or that person's designated representative; and
 - (b) Filed with the state registrar within five (5) working days of the date of abortion.
- (3) The VS-920A shall not substitute for the Report of Abortion, VS-913, incorporated by reference in 901 KAR 5:120.
- (4) A registered Certificate of Abortion, VS-920B, shall only be released to:
 - (a) The individual named as mother on the certificate; or
 - (b) The legal guardian of the individual named as mother on the certificate.
- (5) A non-refundable fee of fifteen (15) dollars shall be paid for the search and certification of abortion certificate records.
- (6) All personally identifiable information recorded on the VS-920A shall be redacted prior to release in response to an open records request.

Section 3. Incorporation by Reference.

- (1) "Abortion Certificate Worksheet", VS-920A, 6/2022, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, first floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.
- (3) This material may be obtained, subject to applicable copyright law, at <https://chfs.ky.gov/agencies/dph/dehp/vsb/Pages/abreqadr.aspx>.
(49 Ky.R. 500, 1307; eff. 1-12-2023.)

STEVEN J. STACK, MD, MBA; Commissioner
ERIC C. FRIEDLANDER, Secretary

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