

**216B.206 Eligibility to register as nonsurgical abortion provider -- Requirements for registered physicians.**

- (1) To be eligible to register as a nonsurgical abortion provider, the cabinet shall require a qualified physician to:
  - (a) Be licensed to practice medicine and in good standing in Kentucky;
  - (b) Examine any patient in-person prior to providing abortion-inducing drugs;
  - (c) Sign an annual "Dispensing Agreement Form," to be developed and provided by the cabinet, prior to providing abortion-inducing drugs;
  - (d) Inform the patient of gestational age-specific risks of using abortion-inducing drugs;
  - (e) Assess for signs of domestic abuse, reproductive control, human trafficking, and other signals of coerced abortion, per current state guidelines;
  - (f) Inform the patient that studies show babies born following the abortion reversal process have a rate of birth defects no higher than the general population;
  - (g) Inform the patient that studies show that following a reversal process or otherwise treating a pregnant patient with progesterone during pregnancy does not lead to increased mortality rates;
  - (h) Refrain from intentionally or knowingly supplying abortion-inducing drugs to patients who present with any of the following:
    1. Absence of a pregnancy;
    2. Being post-seventy (70) days gestation or post-ten (10) weeks of pregnancy; or
    3. Risk factors associated with abortion-inducing drugs, including but not limited to:
      - a. A history of ectopic pregnancies;
      - b. Problems with the adrenal glands near the kidneys;
      - c. Being treated with long-term corticosteroid therapy;
      - d. Allergic reactions to abortion-inducing drugs, mifepristone, misoprostol, or similar drugs;
      - e. Bleeding problems or taking anticoagulant drug products;
      - f. Inherited porphyria;
      - g. An intrauterine device in place; or
      - h. Being Rh negative, requiring treatment with the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies before providing abortion-inducing drugs;
  - (i) Provide or refer for emergency surgical intervention in cases of incomplete abortion, severe bleeding, or other abortion complications or adverse events, through maintaining hospital admitting privileges or entering into a written agreement with an associated physician;
  - (j) Ensure patient access to medical facilities equipped to provide blood

transfusions and resuscitation or other necessary treatments, if necessary;

- (k) Sign, and ensure that the patient signs, all legally required informed-consent material, provide the patient with a copy showing both signatures, and place the original in the patient's medical record and forward to a certified pharmacy, if appropriate;
  - (l) Record the serial number, National Drug Code, lot number, and expiration date from each package of each abortion-inducing drug given to the patient in the patient's medical record;
  - (m) Submit a written protocol of how efforts will be made to schedule a follow-up appointment with the patient within fourteen (14) days to ensure a completed abortion;
  - (n) Submit a written protocol of how complications or adverse events will be handled by the registered physician and submit a copy of a signed contract with an associated physician credentialed to handle certain complications if necessary;
  - (o) Abide by all applicable state and federal laws regarding medical records retention, confidentiality, and privacy; and
  - (p) Agree to follow and document compliance with all other legally required conditions for performing an abortion in Kentucky.
- (2) The cabinet shall require the following of registered physicians:
- (a) Maintain hospital admitting privileges at one (1) or more hospitals in the county or contiguous county where abortion-inducing drugs will be provided and inform the patient of the hospital or hospitals where the physician holds admitting privileges; or
  - (b) Enter into a written associated physician agreement as required in KRS 311.7734, with a physician in the county or contiguous county where abortion-inducing drugs will be provided. The written agreement shall meet these conditions:
    1. A physician who will be providing an abortion-inducing drug shall notify the patient of the location of the hospital at which the associated physician has admitting privileges;
    2. The physician shall keep, at the location of his or her practice, a copy of the written agreement;
    3. The cabinet shall annually submit a copy of the written agreement to each hospital located in the county or a county that is contiguous to the county where abortion-inducing drugs will be provided;
    4. The agreement shall be renewed annually; and
    5. The agreement shall include a requirement that the physician provide to the patient, and require the patient to sign, all legally required informed-consent material.

**Effective:** April 14, 2022

**History:** Created 2022 Ky. Acts ch. 210, sec. 17, effective April 14, 2022.