Citations for state laws and regulations regarding ASC requirements and abortion care

**Michigan**

**ASC Statutes**

**Mich. Comp. Laws § 333.20115(2)**

Differentiating freestanding surgical outpatient facilities from private offices of physicians, dentists, podiatrist, or other health professionals.

Requiring, and providing the criteria, for certain clinics to be licensed as “freestanding surgical outpatient facilit[ies].”

**ASC Regulations**


Regulating the physical requirements of the operating room.


Recovery room requirements, including a minimum of 1 “hospital-type bed or wheeled recovery room stretcher” for every 10 post-surgical patients.

**Mich. Admin. Code R. 325.3868(3) and (4)**

Requiring that “[s]ingle bed/stretcher recovery rooms” have a minimum of “100 square feet of usable floor space.”

Requiring that “[m]ultiple bed/stretcher recover rooms” have a minimum of “80 square feet per bed or stretcher.”


Requiring that corridors used for patient “entry, egress, and surgical care areas” have a minimum width of 6 feet.

**Exceptions**

**Mich. Comp. Laws § 333.20115(4)**

Subject to § 333.20145 part 222, the department can modify or waive one or more rules found in Mich. Admin. Code R. 325.3801 through Mich. Admin. Code R. 325.3877.

R. 325.8355. Plans and specifications.

R. 325.8356. Exterior.

R. 325.3867(5). Medication and storage areas.
Citations for state laws and regulations regarding ASC requirements and abortion care

R. 325.3868. Patient observation and recovery areas.
R. 325.3812(2). Licenses, permits; issuance.

_Missouri_

ASC Statutes

_Mo. Ann. Stat. § 197.200(1)_
“Ambulatory surgical center” definition.

_Mo. Ann. Stat. § 188.015(1)_
“Abortion” and “Abortion facility” definitions.

Mo. Ann. Stat. § 197.225

ASC Regulations

_Mo. Code Regs. tit.19, § 30-30.050_
Definitions and Procedures for Licensing Abortion Facilities

_Mo. Code Regs. tit. 19, § 30-30.070_
Physical Standards for Abortion Facilities.

Case


Settlement whereby our client was granted a deviation from Mo. Ann. Stat. § 197.200, an amendment that nearly encompassed all abortion facilities, and holding providers to the requirements for new facilities.

Exceptions

_Mo. Code Regs. tit. 19, § 30-30.070_

Paragraph (1) permits abortion facilities to make “deviation” requests.

Comparing paragraphs (2) and (3) show that existing abortion facilities are subject to less stringent standards than “new” facilities.
Citations for state laws and regulations regarding ASC requirements and abortion care

**Pennsylvania**

**ASC Statutes**

35 P.S. § 448.806(h)

Categorizing abortion clinics “which provide[] surgical services” as ASCs

35 P.S. § 448.802(a)

Defining “abortion facility” and “ambulatory surgical center”

18 Pa.C.S. § 3207

Enabling the State Department of Health to regulate clinics as abortion facilities

**ASC Regulations**

28 Pa. Code. § 561.14

Adequate space for pharmaceutical operation
 Proper lighting
 Ventilation and temperature controls

49 Pa. Code §§27.15 and 27.16

28 Pa. Code. § 571.2(d)

Life Safety Code Standards

28 Pa. Code § 569.2

Adequate storage areas
 Patient privacy in preoperative and postoperative areas
 Elevator standards requiring “at least one hospital type elevator

28 Pa. Code § 29.33

Listing requirements of medical facilities with respect to the provision of abortions.

**Exceptions**

35 P.S. § 448.806(h)(3)

Abortion facilities may request an exception from the State Department of Health

**Virginia**

Texas Policy Evaluation Project

June 2015
Citations for state laws and regulations regarding ASC requirements and abortion care

**ASC Statutes**

**Va. Code Ann. § 32.1-127**

State calls on Board of Health to promulgate regulations for these facilities


Categorizing facilities in which five or more first trimester abortions per month are performed under classification of “hospital”

**12 Va. Admin. Code 5-412-10**

“abortion” and “abortion facility” definitions

**12 Va. Admin. Code 5-412-30**

“Abortion facilities shall be classified as a category of hospital.”

**ASC Regulations**

**12 Va. Admin. Code 5-412-370**


**Case**

**Falls Church Medical Center LLC v. Virginia Board of Health, CL13-1362**

Lawsuit claiming that then Attorney General Cuccinelli pressured the Virginia Board of health to remove a grandfathering clause has been indefinitely postponed.

**Exceptions**


“An abortion facility may request a temporary variance to a particular standard or requirement contained in a particular provision of this chapter when the standard or requirement poses an impractical hardship unique to the abortion facility and when a temporary variance to it would not endanger the safety or well-being of patients.”

**12 Va. Admin. Code 5-412-370**
Citations for state laws and regulations regarding ASC requirements and abortion care

Providing a temporary exemption, this provision permits existing abortion facilities to “be licensed in their current buildings if such entities submit a plan with the application for licensure that will bring them into full compliance with this provision within two years from the date of licensure.”