

## **Qualified Oversight in Reproductive Care Act**

*Summary: The Qualified Oversight in Reproductive Care Act requires that, if a pregnancy clinic asserts that the facility has a medical director, that medical professional must be identified to clients.*

### **SECTION 1. SHORT TITLE**

This Act shall be called the “Qualified Oversight in Reproductive Care Act.”

### **SECTION 2. FINDINGS**

The legislature finds that:

1. Most Unregulated Pregnancy Clinics (UPCs) do not have a physician, physician assistant or nurse practitioner who supervises, in person, medical services provided at the facility.
2. However, many UPCs without an on-site medical supervisor nevertheless represent to clients that the facility has a medical director without naming that medical professional. The claim that such a facility has a medical director gives clients a false sense of security.
3. It is vital for clients to access early and reliable medical care to confirm pregnancy, gestational age, identify ectopic pregnancy, fetal anomaly, issues with the placenta or amniotic fluid, and any factors that could make the pregnancy high risk or dangerous. Such medical care may also be important for the health of the fetus.
4. If a pregnancy clinic asserts that it has a medical director, then that individual should be named. Clients receiving physical or mental health services require and deserve this information.

### **SECTION 3. MEDICAL DIRECTOR RESPONSIBILITY**

After section XXX, the following new section XXX shall be inserted:

#### **(A) DEFINITIONS**—In this section:

“Unregulated Pregnancy Clinic” means a facility primarily offering determination of pregnancy and pregnancy counseling that does not have one or more physicians licensed under [cite code], a physician assistant under [cite code], or an advanced practice nurse under [cite code], on staff or under contract who provide or directly supervise, in person, the provision of all of the services provided at the facility. [NOTE: Many states have laws or regulations that define “direct supervision.” Ask your in-state advocates and bill drafters to ensure that the legislation uses language that fits your state.]

## **(B) DISCLOSURE OF MEDICAL DIRECTOR BY AN UNREGULATED PREGNANCY CLINIC**

Whenever an Unregulated Pregnancy Clinic asserts, orally or in writing, that the facility has a medical director, chief medical officer, physician, physician assistant, nurse practitioner or other trained medical provider who performs or supervises medical services for the facility, the Unregulated Pregnancy Clinic shall disclose the name and principal business address and phone number at the same time and in the same manner as the assertion, including: on the Internet, on signs or advertisements, and at the physical location.

## **(C) ENFORCEMENT**

1. Whenever the Attorney General or a district attorney [if applicable: a city attorney, a county counsel] has reasonable cause to believe that an Unregulated Pregnancy Clinic has violated this section, the Attorney General may issue a civil investigative demand pursuant to [cite code].
2. The Attorney General may commence an action in any court of competent jurisdiction for injunctive relief to compel compliance with the provisions of this section, and for civil penalties for violations.
3. Prior to commencing an action in court, the Attorney General shall give written notice to the Unregulated Pregnancy Clinic to cure such violations not later than 10 business days after receipt of the written notice.
4. Upon a finding by the court that an Unregulated Pregnancy Clinic has violated this section, the state shall be entitled to recover:
  - (a) civil penalties of up to three thousand dollars for a first violation;
  - (b) civil penalties of up to ten thousand dollars for a second or subsequent violation; and
  - (c) reasonable attorneys' fees and costs.
5. In determining the overall amount of civil penalties to assess against an Unregulated Pregnancy Clinic, the court shall include, but not be limited to the following in its consideration:
  - (a) the nature and severity of the violation;
  - (b) the size, scope, and type of the offending organization; and
  - (c) the good faith cooperation of the offending organization with any investigations conducted by the Attorney General pursuant to this section.

#### **SECTION 4. EFFECTIVE DATE**

This law shall become effective on July 1, 20XX.