

Qualified Oversight in Reproductive Care Act

Summary: The Qualified Oversight in Reproductive Care Act requires a facility that provides obstetric ultrasound examinations to identify its medical director to the Department of Health and 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:

1. “Qualified medical provider” means a physician licensed under [cite state law], a nurse practitioner licensed under [cite state law], or a physician assistant licensed under [cite state law], acting within their scope of practice.
2. “Unregulated clinic” means a facility, including a mobile facility, that provides obstetric ultrasound examinations but is not a “covered entity” under the federal Health Insurance Portability and Accountability Act (HIPAA).

(B) DISCLOSURE—An unregulated clinic shall be required to:

1. Have a qualified medical provider who provides or supervises, and takes responsibility for, the provision of medical care at the facility;
2. Notify the [Department of Health], in accordance with rules promulgated by the [Department], of the name and contact information for its qualified medical providers.
3. Disclose to a client, upon request, the name and contact information for any qualified medical provider who provides or supervises medical care to that client.

(C) ENFORCEMENT

1. Any person who believes that a violation of this section has occurred may file a complaint with the [Department]. Within thirty [30] days of receiving such complaint, the [Department] shall investigate such complaint and determine whether a violation has occurred.
2. Any unregulated clinic violating the provisions of this section shall be subject to a civil fine of not less than five hundred dollars and not more than one thousand dollars on the first violation and not less than one thousand dollars and not more than five thousand dollars on the second and all subsequent violations. [Adjust the civil penalty amounts to what is conventional in your own state.]
3. 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.
4. Prior to commencing an action in court, the Attorney General shall give written notice to the unregulated clinic to cure such violations not later than 10 business days after receipt of the written notice.

SECTION 4. EFFECTIVE DATE

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