

# 2023 Regulatory Actions

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## Abortion Clinics

Prepared by the Agency for Health Care Administration  
pursuant to section 390.012(8), Florida Statutes



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## Executive Summary

The Agency for Health Care Administration (Agency) is the chief health policy and planning entity for Florida<sup>1</sup>. Its responsibilities include, in part; health facility licensure, inspection, and regulatory enforcement including investigation of consumer complaints related to health care facilities and managed care plans.

Section 390.012(8), Florida Statutes (F.S.), directs the Agency to submit a report to the President of the Senate and the Speaker of the House of Representatives summarizing all regulatory actions taken by the Agency during the prior year on abortion clinics. Actions include licensure application reviews, inspections, collection of Induced Termination of Pregnancy (ITOP) reports, and administrative actions.

From January 1, 2023, through December 31, 2023, the Agency:

- Received 54 licensure applications;
- Conducted 81 on-site inspections;
- Received 100% of the required ITOP reports from licensed abortion clinics;
- Initiated 11 administrative actions.

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<sup>1</sup> S. 20.42, F.S.

## Background

In Florida, an abortion may only be performed by a physician in a licensed abortion clinic, licensed hospital, or in a physician’s office<sup>2</sup>. All abortions, regardless of facility or procedure type, shall be reported to the Agency<sup>3</sup>. The Agency is responsible for the regulatory oversight of abortion clinics and hospitals.

The Agency issues an abortion clinic license to applicants meeting the minimum requirements found in Chapter 390, F.S and Rule 59A-9, Florida Administrative Code (F.A.C.). Abortion clinics are authorized to perform procedures within the first trimester only unless the additional licensure requirements for second trimester procedures are met. Any provider authorized to perform procedures after the 15<sup>th</sup> week of gestation (within the second trimester) may perform the procedure only if the requirements in section 390.0111, F.S. are met. Third trimester abortions may only be performed and must also comply with the requirements in section 390.011, F.S.

There were 52 abortion clinics licensed to perform procedures during calendar year 2023 located in 16 counties. Of these, 42 clinics were licensed to perform both first and second trimester abortions.

**Table 1. Licensed Abortion Clinics by Population<sup>4</sup> as of December 31, 2023**

County	County Population	City	City Population	1st Trimester Only	1st & 2nd Trimester
MIAMI-DADE	2,768,954	MIAMI	464,225	2	6
		HIALEAH	229,054	1	3
		MIAMI GARDENS	11,5299		1
BROWARD	1,973,579	FORT LAUDERDALE	189,118	1	1
		PEMBROKE PINES	171,222	1	-
		HOLLYWOOD	154,875	-	1
		MIRAMAR	138,590	-	1
		PLANTATION	95,293	1	-
		TAMARAC	73,063	-	1
HILLSBOROUGH	1,541,531	TAMPA	406,294	-	6
PALM BEACH	1,532,718	WEST PALM BEACH	122,157	-	2
		BOCA RATON	100,491	1	-
ORANGE	1,492,951	ORLANDO	326,988	-	2
DUVAL	1,051,278	JACKSONVILLE	1,004,869	-	3
PINELLAS	974,689	ST PETERSBURG	265,782	-	3
		CLEARWATER	118,904	-	2
LEE	800,989	FORT MYERS	97,711	-	1
POLK	797,616	LAKELAND	121,968	-	1
SEMINOLE	486,839	ALTAMONTE SPRINGS	47,420	-	1
SARASOTA	464,223	SARASOTA	57,005	1	1
OSCEOLA	439,225	KISSIMMEE	82,714	-	1
COLLIER	399,480	NAPLES	19,306	-	1
ST. LUCIE	368,628	PORT SAINT LUCIE	239,653	1	-
		FORT PIERCE	49,508	-	1
LEON	301,724	TALLAHASSEE	201,833	1	1
ALACHUA	293,040	GAINESVILLE	147,865	-	2
			<b>Totals</b>	<b>10</b>	<b>42</b>

<sup>2</sup> S. 797.03, F.S.

<sup>3</sup> S. 390.0112, F.S.

<sup>4</sup> Office of Economic and Demographic Research, "Florida Population Estimates for Counties and Municipalities: April 1, 2023, last revised January 4, 2024, last accessed January 5, 2024.

## License Activity

### Applications

During the 2023 calendar year, the Agency received 54 abortion clinic applications. Twenty-five applications were to renew existing licenses and 27 applications to change existing licenses. There were two initial licensure applications. Neither were approved. No change of ownership (CHOW) applications were received. The change applications included 24 personnel changes, one change of address, one change of hours of operation, and one to terminate a licensure.

**Table 2. Abortion Clinic Applications Received During the 2023 Calendar Year**

Application Type	Completed	Pending	Withdrawn	Denied	Totals
Initial	0	0	1	1	2
Renewal	23	2	0	0	25
Change	27	0	0	0	27
CHOW	0	0	0	0	0
<b>Totals</b>	<b>50</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>54</b>

### Inspections

The Agency conducts an inspection for compliance with Chapter 390, F.S., and Rule 59A-9, F.A.C., prior to initial licensure and annually thereafter. The Agency also investigates complaints against abortion clinics and allegations of unlicensed activity.

The Agency initiated 54 licensure and 22 complaint inspections at licensed abortion clinics during calendar year 2023 requiring 81 total onsite visits, including follow up visits, if needed. Deficient practice was identified during 3 of the licensure inspections and 2 complaint investigations. Refer to Table 3 for a list and frequency of the deficiencies identified during the year.

Upon notification of a deficiency, clinics are provided 10 calendar days to submit an acceptable plan of correction. The Agency reviews each plan to determine if the deficiencies are corrected.

**Table 3. Deficient Practice Cited During the 2023 Calendar Year**

Citation ID	Regulatory Reference	Description	Times Cited
A0302	59A-9.025(3), FAC	Failed to ensure specimen storage space was monitored and maintained for accurate temperature.	1
A0362	390.0111(3)(a), FS	Failed to provide explanation of ultrasound images by a qualified staff member.	1
A0600	59A-9.031(1), FAC	Failed to maintain complete clinical records	1
A0650	390.0112(1,3-4) FS; 59A-9.034, FAC	Failed to maintain a log of procedures by date and gestational age.	1
CZ815	408.809(1)	Failed to keep staff background screens current.	1

## Required Reporting

### Induced Termination of Pregnancy (ITOP)

All licensed abortion clinics must file a report each month summarizing the number of and reason for abortions performed during the preceding month. Hospitals and physicians must also report any abortions performed in their medical facilities and offices. The Agency posts year-to-date data, including previous calendar years on the Agency's website. The reports may be viewed at:

[http://ahca.myflorida.com/MCHQ/Central\\_Services/Training\\_Support/Reports.shtml](http://ahca.myflorida.com/MCHQ/Central_Services/Training_Support/Reports.shtml).

### Incident Reports

Abortion clinics licensed to perform second trimester abortions must record any incident resulting in serious injury to a patient or viable fetus. The incident must be reported to the Agency within 10 days of its occurrence through a secure online portal. A serious injury is defined as one that creates a serious risk of substantial impairment of a major bodily organ. An abortion clinic must also report a patient's death to the Department of Health not later than the next workday. No deaths were reported during calendar year 2023. A summary of the incident reports include:

- Number of clinics reporting an incident: 7
- Number of reports received: 11
- Number of injuries reported: 16
  - Hemorrhage/excessive bleeding: 6
  - Perforation of the uterus: 3
  - Cervical injury: 1
  - Any condition that requires transfer: 5
  - Other incident that requires specialized medical attention; 1

Note: multiple injuries may be reported for a single incident, such as hemorrhage/excessive bleeding and any condition that requires transfer. Five incidents required hospitalization. None resulted in suspension or other administrative action.

## Administrative Actions

The Agency may fine an abortion clinic up to \$1,000 for each class 1, class 2, or unclassified violation of chapters 390 or 408, Part II, F.S., or applicable rules, except failing to timely file a monthly ITOP report will result in a \$200 fine. The Agency considers several factors prior to levying a fine, including:

- Severity of the violation (actual or potential harm to a patient);
- Actions taken by the clinic to correct the situation;
- The clinic's history of the same or similar violation;
- The Agency's history of fine amounts for the same or similar violation.

Eleven administrative actions were initiated during calendar year 2023.

- 8 ITOP submissions were late. Each facility was fined \$200. Fines paid and cases closed.
- 1 facility fined \$1,000 due to a survey citation (CZ815). The case is pending.
- 1 initial licensure application denied based on a demonstrated pattern of deficient performance. The case is pending.
- 1 facility required to correct its background screening roster by a specified date. Corrected and case closed.