



IDAHO DEPARTMENT OF  
HEALTH & WELFARE

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Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

**RE: Oversight of Abortion Clinics**

Dear Energy and Commerce Committee Members:

This is in response to your request for information on how the Idaho Department of Health & Welfare oversees health clinics and facilities that perform abortions. Responses to the individual questions in your request can be found below.

1. *Does your state license abortion clinics or those facilities and providers who perform abortions? If so, please identify what information must be provided or requirements must be met for a facility or provider to be licensed. In additions, please identify the number of abortion clinics licensed in your state for each year from 288-2013.*

The State of Idaho, Department of Health & Welfare, Division of Licensing and Certification does not license abortion clinics.

Note: The Bureau of Vital Records and Health Statistics, Division of Public Health, Department of Health and Welfare does have responsibility for maintaining an induced abortion reporting form, which is filed with the Bureau by the attending physician. The Bureau then compiles information from these completed forms and publishes aggregate statistics, including information regarding services, fetal development, and abortion procedures.

2. *For the years 2008-2013, please identify each abortion clinic for which your state has suspended or revoked its license and the reason for this action.*

This is not within the jurisdiction of the Idaho Department of Health and Welfare.

3. *Does your state conduct inspections of abortion clinics or facilities that perform abortions? If so, please identify the number of clinics that your state has inspected for each year from 2008-2013. In addition, please identify how as inspection is conducted and what information is examined in the course of an inspection.*

This is not within the jurisdiction of the Idaho Department of Health and Welfare.

4. *Does your state monitor complaints or adverse health events relating to abortions? If so, how are these complaints filed or processed? How many complaints relating to abortions clinics have been filed for each year from 2008-2013?*

This is not within the jurisdiction of the Idaho Department of Health and Welfare.

- a. *Please explain how your state investigates the complaints it receives relating to abortions. In addition, please explain how many investigations, including those that included inspections of abortions clinics, have resulted from complaints filed for each year from 2008-2013.*

The Idaho Department of Health and Welfare does not license or oversee abortion clinics. If an abortion clinic is part of an existing hospital or ambulatory surgical center, any complaints would be investigated by the hospital or ambulatory surgical center.

5. *Please explain whether your state, including state professional licensure boards, has initiated any disciplinary actions against facilities or health care providers relating to abortions? Please identify the number of disciplinary actions taken in each year from 2008-2013 and the underlying violation or reason for the action.*

In the State of Idaho, licensure for individual healthcare providers is handled by the Board of Medicine.

6. *Please provide copies of the rules and regulations that govern facilities and licensed health care providers in your state that perform abortions, including the rules and regulations that specifically govern how abortions are conducted in your state.*
- a. *Which of these laws is your agency tasked with enforcing and how do you enforce them?*

This is not within the jurisdiction of the Idaho Department of Health and Welfare.

7. *On April 19, 2005, the Assistant Secretary for Children and Families issued a Program Instruction to state agencies administering the Child Abuse Prevention and Treatment Act (CAPTA) program. The instructions requires states to have procedures for responding to reports of medical neglect (including the withholding of medically indicated treatment from disabled infants with life-threatening conditions), and applies those protections equally to born-alive infants.*
- a. *What actions has your state taken since 2005 to ensure that, at every licensed health care facility that provides abortions, there is a designated individual to report suspected medical neglect (including withholding of medically indicated treatment from disabled infants with life-threatening conditions) of born-alive infants to the state child protective services agency? Has the state received any such notifications and what were the outcomes?*

Idaho's Child Protective Act, Title 16, Chapter 16, Idaho Code, requires that all persons, including each and every healthcare provider, report suspected abuse and neglect, including medical neglect to the Department or law enforcement. As such, it would be contrary to Idaho law for a facility to designate only one person to fulfill this responsibility.

Concerning whether the state has received any such notifications and the outcomes of the notifications, the Department does not collect statistics on abuse and neglect referrals by source or by type. Thus, we have no way to provide this information without conducting a retrospective manual review of each and every referral.

- b. *Does your state child protective services agency annually contact each health care facility to obtain purpose of coordination, consultation, and notification pursuant to 45 CFR §1340.15? Does this contact include health care facilities that provide abortions? Please provide a list of all such designations.*

No. The State relies upon healthcare providers at abortion clinics and other medical facilities to report abuse and neglect, which includes medical neglect insofar as everyone is a mandatory reporter in Idaho.

If you have further questions you may contact Tamara Priscock, Administrator, Division of Licensing and Certification, at (208) 364-1971.

Sincerely,



RICHARD M. ARMSTRONG  
Director

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