Division of Licensing Services
Office of Medical Facilities Licensing

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JANICE K. BREWER, GOVERNOR
WILL HUMBLE, DIRECTOR

August 18, 2010

Dear Current and Prospective Abortion Clinic Providers,

Effective November 1, 2010, any facility, other than an accredited hospital, in which five or more first trimester abortions in any month or any second or third trimester abortions are performed, must be licensed as an "abortion clinic" or abortion services added to the current license according to Arizona Revised Statute (A.R.S.) 36-449.01. (2) and meet the licensing requirements found in Arizona Administrative Code (A.A.C.) Title 9, Chapter 10, Article 15. Abortion Clinics.

The Department recommends that current or prospective licensees read Arizona Revised Statutes Title 36, Chapter 4, Article 10.Abortion Clinics found on www.azleg.state.az.us and the copy of the licensing rules for abortion clinics and copy of the amended licensing rules for outpatient treatment centers, hospitals and outpatient surgery centers effective November 1, 2010 and found on the Office of Medical Facilities Licensing webpage (www.azdhs.gov/als/medical). For the initial non licensed facilities being required to obtain a license for abortion services copies of these rules are attached to this letter. Currently licensed health care institutions may request copies from the Department of Health Services Office of Medical Facility Licensing. The Notice of Final Rule Making is found in the Arizona Administrative Register at http://www.azsos.gov/public_services/Register/2010/18/final.pdf.

Private offices and clinics of health care providers licensed under title 32 who meet the definition of an abortion clinic and are not currently licensed as a healthcare institution must submit an initial license application 60 to 120 days prior to November 1, 2010 to the Arizona Department of Health Services (Department), Division of Licensing Services, Office of Medical Facilities Licensing. **In order to meet the statutory requirements, the application must be submitted no later than September 1, 2010.** You can find the initial license application and fees on the Department's website (www.azdhs.gov/als/medical). In addition the Department has included a copy of the application for your convenience.

Licensed health care institutions; such as an outpatient treatment center, hospital or outpatient surgery center that meet the definition of "abortion clinic" in A.R.S. § 36-449.01 are responsible to ensure that abortions and related services are provided in compliance with the requirements in A.A.C. R9-10-Article 15 (Abortion Clinics) in addition to their specific licensing rules. **The Department is requesting that the submission of adding abortion services to the current license be submitted as soon as possible and no later than October 1, 2010.** The submission must include a letter stating that abortion clinic services are provided and the governing authority is requesting to add this service to the current license. In addition to the letter requesting the added Service a hospital would submit an updated Medical Specialties and Subspecialties form, and an Outpatient Treatment Center or an Outpatient Surgery Center would need to submit an updated Outpatient Facility Information form. These documents can be found on the Department's web site, www.azdhs.gov/als/medical.

In order to avoid a cease and desist order on November 1, 2010 your facility must be surveyed, determined to be in compliance, and a license issued by November 1, 2010. To accomplish the issuance of the license or the amendment of the current license Technical assistance meetings will be scheduled for the purpose of understanding the rules and the survey process. In addition to the technical assistance meetings, once the Department receives your application for licensing or request to amend the current license adding abortion services the Department will call you to schedule "Courtesy" inspection(s).

If you have any questions or concerns, please contact the Program at 602-364-3030

Connie Belden for Kathy McCanna

Sincerely,
Kathy McCanna, RN, BSN, CPHQ
Program Manager
Office of Medical Facility Licensing