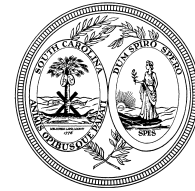




SUMMARY



A Review of the S.C. Dept. of Health and Environmental Control's Regulation of Abortion Clinics

INTRODUCTION

Members of the General Assembly requested that we conduct an audit to determine if the S.C. Department of Health and Environmental Control (DHEC) properly regulates abortion clinics, as required by state law and regulation.

Our audit objectives were to:

- Determine how DHEC regulates abortion clinics to ensure that the facilities are in compliance with state law and regulation.
- Identify improvements which can be implemented in policy, regulation, or state law regarding the regulation of abortion clinics.

Currently, there are three licensed abortion clinics in South Carolina. DHEC is required by law to inspect each clinic annually. In 2014, there were a total of 5,640 abortions at these three clinics, which represents 99% of all abortions in the state.

MAY 2015

ABORTION CLINIC INSPECTIONS

DHEC has not consistently inspected abortion clinics annually, as required by state law. In addition, we found shortcomings that could, if not addressed, result in serious problems for patients. We found:

- Of the 42 annual inspections which should have been conducted on the three abortion clinics currently licensed to operate from 2001–2014, DHEC could only provide 33 inspection reports.
- Inspectors are allowed to rely on a review of as few as three patient files during an annual inspection in order to determine compliance with state law.
- In reviewing inspection reports from 2011–2014, we found "start" and "completion" times indicating the lengths of the inspections that were questionable.
- DHEC does not approve each facility's statement of patient rights.
- DHEC inspectors do not confirm with DHEC's Public Health Statistics and Information Services that all abortions are reported as required by law.
- Facilities are providing corrective action plans for violations found during inspections, but DHEC does not validate the implementation of those plans until the next annual inspection.

In our review of these inspection reports, we found that, not only was there no documentation that some reviews had taken place, items were not observed, and few patient files were reviewed to determine compliance with the law. For example, we found that one inspection included a review of only 6 patient files from a population of 1,887. Reviewing a statistically-representative sample of patient files will provide greater assurance that clinics are complying with state law.

COMPLAINTS

We reviewed DHEC's complaint process and found that it needs to improve its process by maintaining all documentation of complaints, forwarding complaints, which are not under its purview, to other agencies for investigation, requiring proper review of complaint investigations, and providing proper information to patients regarding how to file a complaint. We also found that DHEC does not have a toll-free number, like other states, for filing complaints.

STANDARD OPERATING PROCEDURES

DHEC has no formal procedures for handling reports of accidents or incidents at abortion clinics, and it only developed standard operating procedures for conducting annual inspections of abortion clinics during our audit.

FOR MORE INFORMATION

Our full report, including comments from relevant agencies, is published on the Internet. Copies can also be obtained by contacting our office.

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STAFFING AND TRAINING

There are no policies and procedures governing how training for inspectors of abortion clinics is to be performed, by whom, and for how long. We found that training for inspectors relies heavily on field training with experienced inspectors. There is no assessment tool to determine an inspector's competency level, and no plans for refresher training. Since inspectors are not required to have medical training, education, or experience, training is especially important. After our audit commenced, DHEC started a new training process for inspectors, then provided a training manual during our exit process.

WEBSITE ACCESSIBILITY

We reviewed the accessibility of information on DHEC's website, to include the ease of access to DHEC's online database of inspection report results and found that there is not a logical path for the user to follow to locate these reports. Also, according to DHEC's website, inspection reports are generally available 30 days after an inspection. However, we found that none of the 2014 inspections were available on the website as of April 15, 2015. DHEC also does not have a policy on posting complaint investigation results. We found that other states have this information on their websites.

WOMAN'S RIGHT TO KNOW ACT

The Woman's Right to Know Act (WRTK) requires DHEC to make available specific information on its website to women seeking abortions. We reviewed DHEC's list of free ultrasound providers and found that the listing contained prominent errors and omissions among the 11 providers listed. We also found that other states' websites provide WRTK information in a more user-friendly format.

USE OF ULTRASOUNDS

State law does not require the use of ultrasounds to confirm the gestational age of a fetus prior to an abortion. State law does, however, outline guidelines to follow if an ultrasound is performed. Alabama, Florida, Mississippi, and North Carolina require an ultrasound prior to all abortions in order to establish the gestational age of the fetus. By requiring an ultrasound, the physician can be assured a greater degree of accuracy in determining the gestational age of the fetus to ensure the abortion is being performed in accordance with state law.

LICENSING, INSPECTION, AND REPORT FEES

We reviewed DHEC's management of its abortion clinic inspection fees and found no material problems. DHEC implemented an annual inspection fee in March 2014. The inspection fee for an annual routine or a follow-up inspection is \$350 plus \$25 for each procedure room. Our review of invoices confirmed that these fees were paid. We found that Alabama, Florida, Georgia, Mississippi, and North Carolina do not charge inspection fees.