

Texas Health and Human Services Commission

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>140010</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING: _____	(X3) DATE SURVEY COMPLETED  <b>09/03/2020</b>
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NAME OF PROVIDER OR SUPPLIER  <b>PLANNED PARENTHOOD OF GREATER TEXAS SURC</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>700 W HWY 6, SUITE A WACO, TX 76712</b>
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6 000	<p><b>TAC 139.1 Initial Comments</b></p> <p>Note: The State Form is an official, legal document. All information must remain unchanged except for entering the plan of correction, correction dates, and the signature space. Any discrepancy in the original deficiency citation(s) will be referred to the Office of the Texas Attorney General (OAG) for possible fraud. If information is inadvertently changed by the provider/supplier, the State Survey Agency (SA) should be notified immediately.</p> <p>(a) Purpose. The purpose of this chapter is to implement the Texas Abortion Facility Reporting and Licensing Act, Health and Safety Code, Chapter 245, which provides the Health and Human Services Commission with the authority to establish rules governing the licensing and regulation of abortion facilities and to establish annual reporting requirements for each abortion performed. This chapter also implements the Woman's Right to Know Act, Health and Safety Code, Chapter 171.</p> <p>(b) Scope and applicability.</p> <p>(1) Licensing requirements.</p> <p>(A) A person may not establish or operate an abortion facility in Texas without a license issued under this chapter unless the person is exempt from licensing requirements.</p> <p>(B) The following need not be licensed under this chapter:</p> <p>(i) a hospital licensed under Health and Safety Code, Chapter 241;</p> <p>(ii) an ambulatory surgical center licensed</p>	6 000		

SOD - State Form LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE _____ Vice President of Quality, Risk Management & Training	TITLE _____ _____ (X6) DATE 9/16/2020
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6 000	<p>Continued From page 1</p> <p>under Health and Safety Code, Chapter 243; or</p> <p>(iii) the office of a physician licensed by the Texas Medical Board and authorized to practice medicine in the State of Texas, unless the office is used for the purpose of performing more than 50 abortions in any 12-month period.</p> <p>(2) Reporting requirements. All licensed abortion facilities and facilities and persons exempt from licensing shall comply with §139.4 of this title (relating to Annual Reporting Requirements for All Abortions Performed).</p> <p>An entrance conference was held with the facility Assistant Health Center Manager on the morning of 09/02/20. The purpose and process of the licensure resurvey were discussed, and an opportunity given for questions.</p> <p>Continued licensure is recommended, with an approved plan of correction.</p> <p>An exit conference was held with the Regional Director and other administrative staff on the afternoon of 09/03/20. Preliminary findings of the survey were discussed, and an opportunity given for questions</p>	6 000		
6 045	<p>TAC 139.60 Other State and Federal Compliance Requirements</p> <p>(a) A licensed abortion facility shall be in compliance with all state and federal laws pertaining to handling of drugs.</p> <p>(b) A licensed abortion facility that provides laboratory services shall meet the Clinical Laboratory Improvement Amendments of 1988, 42 United States Code, §263a, Certification of</p>	6 045	<p>PPGT follow up coordinators now complete patient notifications for missed MAB follow up visits and they also ensure documentation of all attempts to contact the patient regarding this missed follow up medical appointment. To monitor for compliance, the RQM department will audit medical records as part of the annual medication abortion audit.</p>	9/3/2020

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6 045	<p>Continued From page 2</p> <p>Laboratories (CLIA 1988). CLIA 1988 applies to all facilities with laboratories that examine human specimens for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.</p> <p>(c) A licensed abortion facility shall ensure that its physicians comply with the Medical Practice Act, Occupations Code, Chapters 151 - 160 and 162 - 165, while functioning in his or her capacity at or for the facility.</p> <p>(d) A licensed abortion facility utilizing the services of a physician assistant(s) shall ensure that its physician assistants comply with the Physician Assistant Licensing Act, Occupations Code, Chapter 204, while functioning in his or her capacity at or for the facility.</p> <p>(e) A licensed abortion facility utilizing the services of a registered nurse shall ensure that its registered nurses comply with the Nursing Practice Act, Occupations Code, Chapters 301 and 304, while functioning in his or her capacity at or for the facility.</p> <p>(f) A licensed abortion facility utilizing the services of a licensed vocational nurse(s) shall ensure that its vocational nurse(s) comply with the Nursing Practice Act, Occupations Code, Chapters 301 and 304, while functioning in his or her capacity at or for the facility.</p> <p>(g) A licensed abortion facility that provides pharmacy services shall obtain a license as a pharmacy if required by the Texas Pharmacy Act, Occupations Code, Chapters 551 - 569.</p> <p>(h) A licensed abortion facility shall comply with</p>	6 045		

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6 045	<p>Continued From page 3</p> <p>the following federal Occupational Safety and Health Administration requirements:</p> <p>(1) 29 Code of Federal Regulations, Subpart E, §1910.38, concerning emergency action plan and §1910.39, concerning fire prevention plans;</p> <p>(2) 29 Code of Federal Regulations, Subpart I, §1910.132, concerning general requirements for personal protective equipment;</p> <p>(3) 29 Code of Federal Regulations, Subpart I, §1910.133, concerning eye and face protection;</p> <p>(4) 29 Code of Federal Regulations, Subpart I, §1910.138, concerning hand protection;</p> <p>(5) 29 Code of Federal Regulations, Subpart K, §1910.151, concerning medical services and first aid;</p> <p>(6) 29 Code of Federal Regulations, Subpart L, §1910.157, concerning portable fire extinguishers;</p> <p>(7) 29 Code of Federal Regulations, Subpart Z, §1910.1030, concerning bloodborne pathogens; and</p> <p>(8) 29 Code of Federal Regulations, Subpart Z, §1910.1200, Appendices A - E, concerning hazard communication (hazardous use of chemicals).</p> <p>(i) A licensed abortion facility shall not use adulterated or misbranded drugs or devices in violation of the Health and Safety Code, §431.021. Adulterated drugs and devices are described in Health and Safety Code, §431.111.</p>	6 045		

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6 045	<p>Continued From page 4</p> <p>Misbranded drugs or devices are described in Health and Safety Code, §431.112.</p> <p>(j) A licensed abortion facility shall not commit a false, misleading, or deceptive act or practice as that term is defined in the Deceptive Trade Practices-Consumer Protection Act, Business and Commerce Code, §17.46.</p> <p>(k) A licensed abortion facility shall comply with the requirements of the Family Code, §33.002, relating to a Consent Form.</p> <p>(l) A licensed abortion facility shall comply with the requirements of Health and Safety Code, Chapter 171, the Woman's Right to Know Act.</p> <p>(m) A licensed abortion facility shall comply with the requirements of Occupations Code, Chapter 102, Solicitation of Patients.</p> <p>This Requirement is not met as evidenced by: The Texas Health and Safety Code, Chapter 171, Subchapter B, Sec. 171.063. DISTRIBUTION OF ABORTION-INDUCING DRUG. part,Sec. 171.063. DISTRIBUTION OF ABORTION-INDUCING DRUG., stated in part, " (a) A person may not knowingly give, sell, dispense, administer, provide, or prescribe an abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion in the pregnant woman or enabling another person to induce an abortion in the pregnant woman unless: (1) the person who gives, sells, dispenses, administers, provides, or prescribes the abortion-inducing drug is a physician; and... (e) The physician who gives, sells, dispenses, administers, provides, or prescribes the</p>	6 045		

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6 045	<p>Continued From page 5</p> <p>abortion-inducing drug, or the physician's agent, must schedule a follow-up visit for the woman to occur not more than 14 days after the administration or use of the drug. At the follow-up visit, the physician must:...</p> <p>(f) The physician who gives, sells, dispenses, administers, provides, or prescribes the abortion-inducing drug, or the physician's agent, shall make a reasonable effort to ensure that the woman returns for the scheduled follow-up visit under Subsection (e). The physician or the physician's agent shall document a brief description of any effort made to comply with this subsection, including the date, time, and name of the person making the effort, in the woman's medical record."</p> <p>Based on a review of documentation, the facility failed to make a reasonable effort to ensure that the woman returns for the scheduled follow-up. The facility failed to document a brief description of any effort made to comply with this subsection, including the date, time, and name of the person making the effort, in the woman's medical record.</p> <p>Findings were:</p> <p>The clinical records for medication patients that had received abortion-inducing drugs were reviewed. The medical record for medical abortion patient # 1 revealed this patient had a follow up appointment scheduled for 12/04/19 and did not show up for this appointment. There were no documented attempts by the facility to contact the patient regarding missing their follow-up appointment after their medical abortion.</p> <p>The above findings were confirmed in an interview with staff member #1 on the afternoon</p>	6 045		

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