

Texas Department of State Health Services

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 007882	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 03/27/2018
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NAME OF PROVIDER OR SUPPLIER AUSTIN WOMENS HEALTH CENTER	STREET ADDRESS, CITY, STATE, ZIP CODE 1902 SOUTH IH 35 AUSTIN, TX 78704
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
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A 000 Initial Comments

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.

An entrance conference was held with the facility Administrator and Office Manager the morning of 3-27-18. The purpose and process of the licensure resurvey were discussed, and an opportunity given for questions.

Continued licensure is recommended, with an approved plan of correction.

An exit conference was held with the facility Administrator, Office Manager and Clinic Coordinator the afternoon of 3-27-18. Preliminary findings of the survey were discussed, and an opportunity given for questions.

A 000

REVIEWED
MAY 02 2018
BY: *Wanda Wilson, PhD*

A 197 TAC 139.48(1)(A) Physical & Environmental Requirements

The physical and environmental requirements for a licensed abortion facility are as follows.
(1) A facility shall:
(A) have a safe and sanitary environment, properly constructed, equipped, and maintained to protect the health and safety of patients and staff at all times;

A 197

The Executive Administrator has retained a contractor to completely resurface the entire counter, on both the top and the edges, with new laminate. The contractor will complete his work by May 2, 2018. Although we have therefore addressed the surveyor's observation, we do not agree that the former surface of the counter was out of compliance with 25 TAC 139.48(1)(A). This counter is cleaned several times a day with Lysol Foaming Disinfectant Cleaner and with bleach, as appropriate for a wood or laminate surface, and it was clean the date of the survey.

05/02/18

SOD - State Form	REPRESENTATIVE'S SIGNATURE <i>Executive Administrator</i>	TITLE Executive Administrator	(X6) DATE 4/24/18
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A 197	<p>Continued From page 1</p> <p>This Requirement is not met as evidenced by: Based on observation, the facility failed to maintain a safe and sanitary environment that was properly maintained to protect the health and safety of patients and staff at all times.</p> <p>Findings were:</p> <p>During a tour of the facility on 3-27-18, the following was noted:</p> <p>The formica-type edging on the countertop in the instrument sterilization area had peeled back in some areas and was missing in other areas. Missing edging creates a porous surface that cannot be cleaned or properly maintained and provides an area for bacteria to grow.</p> <p>The above was confirmed in an interview with the Clinic Manager and the Facility Administrator the afternoon of 3-27-18.</p>	A 197	<p>The surveyor did not state otherwise. 25 TAC 139.48(1)(A) is a general rule requiring a licensed facility to be sanitary and safe. It does not impose any specific requirements on the room in which instruments are sterilized, unlike those applicable that might apply to an ambulatory surgical facility's "clean/assembly workroom," see 25 TAC 135.52 (d)(14)(b)(2). The Supreme Court has prohibited the State from imposing those ambulatory surgical facility regulations on licensed abortion facilities, <i>Whole Woman's Health v. Hellerstedt</i>, 136 S.Ct. 2292 (2016). 25 TAC 139.48(1)(A), therefore, does not require counter surfaces under or near the autoclave be sterilizable, nor covered with any particular kind of material. Because instruments are sterilized inside the autoclave and remain sterile within their wrappings until being made ready for use, there is no practical purpose to sterilizing the area outside the autoclave. And in any event, sterile instruments are not placed on this counter after being removed from the autoclave. Thus, the clean, non-sterile surface of this counter was safe and sanitary, and compliant with 25 TAC 139.48(1)(A), even before we resurfaced it.</p>	