

Texas Health and Human Services Commission

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  140013	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING: _____	(X3) DATE SURVEY COMPLETED  04/23/2019
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NAME OF PROVIDER OR SUPPLIER  WHOLE WOMAN'S HEALTH ALLIANCE	STREET ADDRESS, CITY, STATE, ZIP CODE 8401 NORTH IH 35 SUITE 200 AUSTIN, TX 78763
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6 000	TAC 139.1 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.  (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.  (b) Scope and applicability.  (1) Licensing requirements.  (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.  (B) The following need not be licensed under this chapter:  (i) a hospital licensed under Health and Safety Code, Chapter 241;  (ii) an ambulatory surgical center licensed	6 000		
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SOD - State Form

SIGNATURE

TITLE  
Educational and Training Specialist

(X6) DATE  
6/7/2019

PHW11

Texas Health and Human Services Commission

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NAME OF PROVIDER OR SUPPLIER  <b>WHOLE WOMAN'S HEALTH ALLIANCE</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>8401 NORTH IH 35 SUITE 200 AUSTIN, TX 78753</b>
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6 000	<p>TAC 139.1 Initial Comments</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

TITLE

(X6) DATE

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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 Director of Clinical Services on the morning of 04/22/19. 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 facility Director of Clinical Services and Clinical Coordinator on the afternoon of 04/23/19. Preliminary findings of the survey were discussed, and an opportunity given for questions.</p>	6 000		
6 033	<p>TAC 139.48 Physical and Environmental Requirements</p> <p>The physical and environmental requirements for a licensed abortion facility are as follows.</p> <p>(1) A facility shall:</p> <p>(A) have a safe and sanitary environment, properly constructed, equipped, and maintained</p>	6 033		

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6 033	<p>Continued From page 2</p> <p>to protect the health and safety of patients and staff at all times;</p> <p>(B) equip each procedure room so that procedures can be performed in a manner that assures the physical safety of all individuals in the area;</p> <p>(C) have a separate recovery room if moderate sedation/analgesia, deep sedation/analgesia, or general anesthesia are administered at the facility;</p> <p>(D) have a written protocol for emergency evacuation for fire and other disasters tailored to the facility's geographic location. Each staff member employed by or under contract with the facility shall be able to demonstrate their role or responsibility to implement the facility's emergency evacuation protocol required by this subparagraph;</p> <p>(E) store hazardous cleaning solutions and compounds in a secure manner and label substances;</p> <p>(F) have the capacity to provide patients with liquids. The facility may provide commercially packaged food to patients in individual servings. If other food is provided by the facility, it shall be subject to the requirements of Chapter 228 of this title (relating to Retail Food);</p> <p>(G) provide clean hand washing facilities for patients and staff including running water, and soap;</p> <p>(H) have two functioning sinks and a functioning toilet; and</p>	6 033		

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6 033	<p>Continued From page 3</p> <p>(1) have equipment available to sterilize instruments, equipment, and supplies in accordance with §139.49(d) of this title (relating to Infection Control Standards) before use in the facility.</p> <p>(2) The equipment for vacuum aspiration shall be electrically safe and designed to prevent reverse pump action in facilities that provide vacuum aspiration.</p> <p>(3) Projects involving alterations of and additions to existing buildings shall be programmed and phased so that on-site construction shall minimize disruptions of existing functions. Access, exit ways, and fire protection shall be maintained so that the safety of the occupants shall not be jeopardized during construction.</p> <p>This Requirement is not met as evidenced by: Based on a tour of the facility, the facility failed to store hazardous cleaning solutions and compounds in a secure manner. Failure to do so increases the risk of harm to patients.</p> <p>Findings were:</p> <p>During a tour of the facility on 04/23/19, the unlocked laundry room contained items including Caviwipes, Lysol spray, laundry detergent, and Citrace deodorizer.</p> <p>The above was confirmed in an interview with staff #12 on 04/23/19 during a tour of the facility.</p>	6 033	<p>The Clinic Manager is responsible for insuring the physical and environmental safety for all patients that come to WWHA.</p> <p>The Clinic Manager installed a lock on the door of the laundry room on 04/24/2019 to ensure that patients are not able to access hazardous cleaning solutions. Staff was instructed on 4/24/2019 to ensure that they are initiating the lock after each access to any hazardous cleaning solutions.</p> <p>In order to monitor continued compliance, the Clinic Manager will randomly observe that the staff is utilizing the lock after each access for 90 days to ensure that only staff has access to hazardous cleaning solutions.</p>	04/24/2019

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6 041	Continued From page 4	6 041		
6 041	<p>TAC 139.56 Emergency Services</p> <p>(a) A licensed abortion facility shall have a readily accessible written protocol for managing medical emergencies and the transfer of patients requiring further emergency care to a hospital. The facility shall ensure that the physicians who practice at the facility:</p> <p>(1) have active admitting privileges at a hospital that provides obstetrical or gynecological health care services and is located not further than 30 miles from the abortion facility;</p> <p>(2) provide the pregnant woman with:</p> <p>(A) a telephone number by which the pregnant woman may reach the physician, or other health care personnel employed by the physician or the facility at which the abortion was performed or induced with access to the woman's relevant medical records, 24 hours a day to request assistance for any complications that arise from the performance or induction of the abortion or ask health-related questions regarding the abortion; and</p> <p>(B) the name and telephone number of the nearest hospital to the home of the pregnant woman at which an emergency arising from the abortion would be treated.</p> <p>(b) The facility shall have the necessary equipment and personnel for cardiopulmonary resuscitation as described in §139.59 of this title (relating to Anesthesia Services).</p> <p>(c) Personnel providing direct patient care shall be currently certified in basic life support by the</p>	6 041		

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6 041	<p>Continued From page 5</p> <p>American Heart Association, the American Red Cross, or the American Safety and Health Institute, or in accordance with their individual professional licensure requirements, and if required in their job description or job responsibilities.</p> <p>This Requirement is not met as evidenced by: Based on a review of documentation and interview the facility failed to ensure that the physicians who practice at the facility provide the pregnant woman with: the name and telephone number of the nearest hospital to the home of the pregnant woman at which an emergency arising from the abortion would be treated.</p> <p>The facility also failed to ensure that personnel providing direct patient care shall be currently certified in basic life support by the American Heart Association, the American Red Cross, or the American Safety and Health Institute, or in accordance with their individual professional licensure requirements, and if required in their job description or job responsibilities.</p> <p>Findings included:</p> <p>Review of medical records revealed the following: * 2 of 10 medical records did not have documentation that the name and telephone number of the nearest hospital to the home of the pregnant woman at which an emergency arising from the abortion would be treated was provided to the patient. * Surgical Patient #5 indicated on their information sheet that they lived in Uvalde, Texas. However on their discharge paperwork, they were provided with the name and phone number for a Val Verde Regional located on Del Rio, Texas.</p>	6 041	<p>The Clinic Manager is responsible for providing each pregnant patient with the name and telephone number of the nearest hospital to the home of the pregnant patient at which an emergency arising from the abortion would be treated.</p> <p>The Director of Clinical Services conducted a re-training on 05/21/2019 <b>with the Whole Woman's Health Clinic</b> Coordinator, and all clinical staff. Aftercare staff will review normal and abnormal signs and symptoms with the patient, and what to do if an emergency should arise from their abortion. Staff are aware they will the US hospital finder to look up the nearest hospital and phone number, provide the information to the patient, and document the information on the surgical record in the aftercare section.</p> <p>In order to monitor continued compliance, the Clinic Manager will monthly conduct chart audits to ensure that staff is documenting nearest hospital and phone number on the surgical record.</p>	05/21/2019

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6 041	<p>Continued From page 6</p> <p>This would not be the name and telephone number of the nearest hospital to the home of the patient, which would be in Uvalde, Texas.</p> <p>* Medical Patient #1 listed their home address in Cameron, Texas. However on their discharge paperwork, they were provided with the name and phone number for a Medical Services Center. The phone number provided was for a family physician clinic, this would not be the name and telephone number of the nearest hospital to the home of the patient. The nearest hospital would be in Cameron, Texas. Also a physician office is not a hospital.</p> <p>* Medical Patient #3 listed their home address in San Antonio, Texas. However on their discharge paperwork, they were provided with the name and phone number for a free standing emergency center in Austin Texas, this would not be the name and telephone number of the nearest hospital to the home of the patient. The nearest hospital would be in San Antonio, Texas. Also a free standing emergency clinic is not a hospital.</p> <p>The facility based job description for Medical Assistant stated in part, "Experience and General Requirements... * Certification in Basic Life Support".</p> <p>Review of personnel files revealed the following: * Staff member #10's CPR expired in February 2019.</p> <p>In an interview on 04/23/19 staff member # 12 confirmed the above findings.</p>	6 041	<p>The Clinic Manager is responsible for ensuring all staff providing direct patient care will be currently certified in basic life support.</p> <p>The staff member #10 was notified that they were out of compliance and given a deadline to complete course. The staff member was attending the CPR class at the time of the inspection. On 04/23/2019 staff member did complete the approved Basic Life Support CPR training successfully and a copy of completed training was placed in the staff personnel record.</p> <p>In order to monitor continued compliance, the Clinic Manager will conduct monthly personnel chart audits to ensure that all staff Basic Life Support CPR training is current.</p>	04/23/2019