

Clinical Guidance to Assist in Medical Decision and/or Documentation of Abortion-Related Care Under Florida Law

UPDATED JANUARY 20, 2023. THE LAW IS CHANGING RAPIDLY. THIS INFORMATION WILL BE REVIEWED ON A WEEKLY BASIS AND UPDATED AS NEEDED TO REFLECT ANY SIGNIFICANT CHANGES.

Understanding the Guidance

1. The guidance on the slides that follow is merely guidance; all patient care decisions are made by clinicians.
2. The material on these slides is dense. The guidance has been written with intention, to provide clarity to the extent possible. Please read and consider carefully.
3. If concerns arise regarding patient safety, as a clinician, your first priority is the care of your patient. Clinicians should continue to prioritize appropriate patient care by adhering to commonly understood Medical Standards of Care, consistent with applicable law.

Clinical Guidance to Assist in Medical Decision and/or Documentation of Abortion-Related Care Under Florida Law

UPDATED JANUARY 20, 2023. THE LAW IS CHANGING RAPIDLY. THIS INFORMATION WILL BE REVIEWED ON A WEEKLY BASIS AND UPDATED AS NEEDED TO REFLECT ANY SIGNIFICANT CHANGES.

When a potentially pregnant patient presents in the hospital:
STEP 1: Is the patient pregnant?



- If the patient is not pregnant or if the fetus is **not alive**, there is **NO** criminal or civil liability for appropriate medical care.
 - There is **NO** civil or criminal liability for miscarriage care if the fetus is not alive.
 - There is **NO** civil or criminal liability for contraceptive measures, including post-sexual assault prophylaxis.

STEP 2: What type of pregnancy?

Intrauterine Pregnancy

- Until fifteen weeks gestational age, **NO** criminal or civil liability.
- After fifteen weeks gestational age, **criminal liability**, except when:
 - Two physicians certify in writing that, in their reasonable medical judgment, the termination is necessary to save the life of the mother or to avert risk of substantial and irreversible physical impairment (excluding psychological impairment) of a major bodily function of the mother; *or*
 - The physician certifies in writing that, in her reasonable medical judgment, there is a medical necessity for emergency procedures to terminate the pregnancy to save the mother's life or to avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function (excluding psychological impairment) of the mother, and another physician is not available for consultation; *or*
 - The fetus has not achieved viability and two physicians certify in writing that, in their reasonable medical judgment, the fetus has a fatal fetal abnormality.

Ectopic Pregnancy

- The above guidance, applying to intrauterine pregnancies, applies also to ectopic pregnancies. In particular, as with intrauterine pregnancies, there is **NO** civil or criminal liability for terminating an ectopic pregnancy prior to fifteen weeks, and **NO** criminal or civil liability after fifteen weeks if (1) the physician determines and certifies in writing that termination was necessary to save the life of the mother or to avert risk of substantial and irreversible physical impairment, and (2) a second physician certifies the same.

Heterotopic Pregnancy

- The above guidance, applying to intrauterine pregnancies, applies to both the intrauterine and the ectopic fetuses in a heterotopic pregnancy.