

Notice of Proposed Changes Relating to Abortion in the Regulations of the State Medical Board (MED). Notice Published: February 17, 2017.
Supplemental Notice Published: March 29, 2017.

Below are responses to questions received on the MED proposed regulations. The period for written comments ends April 18, 2017. To be considered, comments must be received not later than 5:00 p.m. on April 18, 2017.

Regulatory Questions

1 2/28/2017	The proposed change to 12 AAC 40.110. Abortion procedures reads, “The Clinical Management Guidelines for Obstetrician-Gynecologists: Second-Trimester Abortion Practice Bulletin Number 135, (dated June 2013, reaffirmed 2015) of the American College of Obstetricians and Gynecologists is adopted by reference as the standard of practice when providing an abortion after the first trimester.” What does “the standard of practice” mean in this context?
Answer: Under AS 08.64.326(a)(7) the board can sanction a practitioner who fails to comply with a regulation adopted under AS 08.64. By adopting the ACOG guide as a standard of practice, the board is setting the standard by which a physician’s conduct will be judged. The ACOG guide includes recommendations for procedures and patient care. A physician alleged to have deviated from those recommendations would have to defend those actions to the board.	
2 2/28/2017	Again, referring to the proposed change to 12 AAC 40.110, what will happen if the <i>Clinical Management Guidelines for Obstetrician-Gynecologists: Second-Trimester Abortion Practice Bulletin</i> is updated and changed in any way?
Answer: An adoption by reference is a snapshot of a document at a particular, identified, point in time and will not change if the document is subsequently amended. If the ACOG guidelines are substantially amended in the future, the appropriate course would be a petition to the board to update the regulation in light of updated science or improved state of the art.	