

TEXAS DEPARTMENT OF STATE HEALTH SERVICES
HEALTH FACILITY LICENSING AND COMPLIANCE
ENFORCEMENT ACTIONS

ABORTION FACILITIES
November 2000 – Current Date

Name	Austin Community Healthcare, Inc.
License Number	7629
Location	Austin, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>Failure of the facility's quality assurance committee to be ongoing, as demonstrated by: failure to ensure review of abortion procedure complications and make use of the findings in development and revision of policies/procedures and failure to address the integrity of surgical instruments and medical equipment.</p> <p>Failure of the facility's administrator to be responsible for implementing and supervising the facility's policy/procedures.</p> <p>Failure of the facility to have a safe and sanitary environment that is properly constructed, equipped, and maintained to protect the health and safety of patients and staff at all times.</p> <p>Failure of the facility to implement and enforce infection control policies and procedures to minimize the transmission of post-procedure infections.</p> <p>Failure of the facility to obtain the required Texas pharmacy license to distribute medications.</p>
Disciplinary Action	Administrative Penalty \$5,150.00
Final Enforcement Action Date	04/23/02

Name	Abortion Advantage
License Number	7812
Location	Dallas, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>Failure to ensure the Quality Assurance (QA) committee performed a periodic review of any post-abortion complication(s), in accordance with facility policy/procedure (P/P).</p> <p>Failure to ensure the QA committee evaluated a contract service related to patient care and failure to implement their corrective action plan, regarding this violation, from the 2001 annual survey.</p>

	<p>Failure to ensure the QA committee addressed and implemented corrective actions regarding the monitoring of expiration dates of drug supplies.</p> <p>Failure to enforce P/P regarding annual evaluations of employee performance and failure to implement their corrective action plan, regarding this violation, from the 2001 annual survey.</p> <p>Failure to ensure the medical consultant took responsibility for implementing and enforcement the facility's medical and clinical P/P's.</p> <p>Failure to establish and maintain organized clinical records, which were completely and accurately documented.</p> <p>Failure to ensure that emergency drugs were readily accessible to all employees.</p>
Disciplinary Action	Administrative Penalty \$11,400.00
Final Enforcement Action Date	03/18/03

Name	Northpark Medical Group
License Number	7334
Location	Dallas, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>Failure to implement and maintain a Quality Assurance (QA) program which met at least quarterly to identify QA issues and determine which QA activities were necessary.</p> <p>Failure to ensure the medical consultant took responsibility for implementing, enforcing and supervising the medical and clinical policies of the facility.</p> <p>Failure to establish and maintain organized clinical records which were completely and accurately documented.</p> <p>Failure to ensure that each clinical records, regarding administration of pharmaceutical agents, was accurately documented.</p> <p>Failure to ensure that entries into the clinical record, regarding the delivery of care/services, was not altered without evidence and explanation of such alteration.</p> <p>Failure to ensure that a clinical record was maintained in an original state and that no correction fluid was used.</p> <p>Failure to develop and implement written policies and procedures relating to the examination or referral of all patients who report complications.</p> <p>Failure to ensure that personnel, whose job descriptions and/or job duties required providing direct patient care, were currently</p>

	certified in basic life support. Failure to ensure that procedure room requirements, where moderate sedation was administered, met minimum standards.
Disciplinary Action	Administrative Penalty \$4,000.00
Final Enforcement Action Date	03/20/03

Name	Pedro J. Kowalyszyn, MD, PA
License Number	7834
Location	McAllen, Texas
Nature of Violation	Allegations relating to: Failure to have an employee qualified to act in the absence of the administrator. Failure to maintain employee evaluations in the personnel records of each employee. Failure to enforce it's infection control policy/procedures related to the storage of sterilized surgical instruments. Failure to provide laboratory services within the scope of it's current laboratory testing certificate, issued by the federal government. Failure to implement it's corrective action plan from the 2002 annual survey by completing employee evaluations.
Disciplinary Action	Administrative Penalty \$1,850.00
Final Enforcement Action Date	08/08/03

Name	Alamo Women's Clinic
License Number	7264
Location	San Antonio, Texas
Nature of Violation	Allegations relating to: Failure to implement and enforce infection control policies and procedures regarding surgical instruments.
Disciplinary Action	Administrative Penalty \$350.00
Final Enforcement Action Date	08/25/03

Name	North Park Medical Group
License Number	7334
Location	Dallas, Texas
Nature of Violation	Allegations relating to: Failure of the quality assurance committee to ensure QA review of the clinical records of a patient who had reported a post-abortion procedure complication. Failure of the facility to ensure that a staff member had a current job description.

	Failure to ensure that a staff member, whose job description and/or job duty required providing direct patient care, was currently certified in basic life support.
Disciplinary Action	Administrative Penalty \$1,475.00
Final Enforcement Action Date	08/25/04

Name	All Women's Medical Center
License Number	008033
Location	San Antonio, Texas
Nature of Violation	<p>Allegations relating to:</p> <p>25 TAC § 139.41, related to the development, implementation, and monitoring of written policies and procedures (P/P's).</p> <p>25 TAC § 139.48, related to a safe and sanitary environment.</p> <p>25 TAC § 139.49, related to written P/P's covering effective sterilization activities.</p> <p>25 TAC § 139.8, related to measures for quality improvement for the delivery of services.</p> <p>25 TAC § 139.21, related to prominently and conspicuously posting, in a public area, the Department-issued abortion facility license.</p> <p>25 TAC § 139.52, related to P/P's encompassing informed consent and usage of the Department's applicable form.</p> <p>25 TAC § 139.52, related to providing patients with education/information concerning physician obligations.</p> <p>25 TAC § 139.53, related to obtaining and documenting in client records a pre-procedure history and laboratory studies, in accordance with P/P's.</p> <p>25 TAC § 139.53, related to obtaining and documenting laboratory studies for human chorionic growth hormone and ultrasonography.</p> <p>25 TAC § 139.55, related to medical records containing laboratory reports.</p>
Disciplinary Action	Issue renewal license, suspend license for 12 months and probate the suspension for 12 months with terms.
Final Enforcement Action Date	07/26/05

Name	Crescent City Women's Center
License Number	0008014
Location	Houston, Texas
Nature of Violation	Allegations relating to:

	<p>25 TAC § 139.41, failure to be responsible for facility policies/procedures governing employee orientation, training and evaluation, advertisements for the facility and patient education/information services and referral services.</p> <p>25 TAC § 139.42, failure to designate in writing a person who meets the qualifications of an administrator, to act in absence of the Facility's administrator.</p> <p>25 TAC § 139.43, failure to develop, implement and enforce personnel policies related to patient rights and duty to report child abuse.</p> <p>25 TAC § 139.44, failure to develop and implement a written orientation and training program.</p> <p>25 TAC § 139.45, failure to document that employees had participated in a Facility orientation program.</p> <p>25 TAC § 139.49, failure to implement and enforce an infection control policy/procedure to minimize the transmission of post-procedure infections.</p> <p>25 TAC § 139.59, failure to ensure that Facility emergency drugs were checked and maintained on a scheduled basis.</p>
Disciplinary Action	Administrative Penalty \$5,000.00
Final Enforcement Action Date	08/01/06

Name	Abortion Advantage
License Number	7812
Location	Dallas, Texas
Nature of Violation	<p>25 TAC §§ 139.8(b)(2) and (3), failure to have a midlevel provider, a registered nurse or licensed vocational nurse, and at least two other staff members, as part of the Facility's quality assurance committee;</p> <p>25 TAC § 139.56(a), failure to ensure that the Facility's physician had admitting privileges or a working arrangement with a physician who has admitting privileges at a local hospital, in order to ensure the necessary back-up for medical complications; and</p> <p>25 TAC § 139.60(b), failure to comply with federal laboratory requirements when the Facility had expired lab tubes available for patient use.</p>
Disciplinary Action	Administrative Penalty \$1,950.00
Final Enforcement Action Date	09/11/07

Name	Hill Top Womens Reproductive Clinic
License Number	007804

Location	El Paso, Texas
Nature of Violation	<p>HSC § 245.011(a) and 25 TAC § 139.4(b), failure to report, annually, to the Department, six surgical abortions performed at the Facility in 2005;</p> <p>25 TAC § 139.8(c), failure to conduct quarterly quality assurance meetings in 2006;</p> <p>25 TAC § 139.8(d)(4), failure in 2006 of the Facility's quality assurance (QA) committee to monitor infection control and/or address post procedure infections;</p> <p>25 TAC § 139.8(a), failure of the Facility's QA program to include written measures for evaluating improvements in the Facility's delivery of service, and failed to be reviewed and updated, or revised at least annually by the QA committee; and</p> <p>25 TAC § 139.60(k), failure of the Facility to ensure that abortions were not performed on female minors without parental notification or consent.</p>
Disciplinary Action	Administrative Penalty of \$5,350.00 and 12 Months Probated Suspension of License
Final Enforcement Action Date	10/09/07

Name	Whole Womans Health of Beaumont
License Number	008137
Location	Beaumont, Texas
Nature of Violation	<p>25 TAC § 139.8(b), failure to ensure that its quality assurance (QA) meetings consisted of the medical consultant designed by the Facility; a midlevel provider, a registered nurse, or a licensed vocational nurse; and at least two other members of the Facility's staff;</p> <p>25 TAC § 139.8(c), failure to have quarterly QA meetings in 2006;</p> <p>25 TAC § 139.24(b)(2), failure to notify the Department, in writing, of a change in the Administrator within 15 calendar days following such change;</p> <p>25 TAC § 139.46(3)(B), failure to have licensed nursing staff at the Facility; and</p> <p>25 TAC § 139.48(1)(D), failure to have a written protocol for emergency evacuation for disasters tailored to the Facility's geographic location.</p>
Disciplinary Action	Administrative Penalty of \$3,050.00
Final Enforcement Action Date	10/26/07

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