



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Eric J. Holcomb
Governor

January 24, 2022

Dear Representative Smaltz and other members,

Thank you for your letter dated December 30, 2021. My administration takes seriously its responsibility to promote, protect, and improve the health and safety of all Hoosiers and to carry out its obligations to regulate entities in the manner outlined in Indiana law. My team has thoroughly reviewed the issues raised in your correspondence and those findings are outlined below.

As you mention in your letter, licensure of the Whole Woman's Health of South Bend (WWHSB) clinic remains the subject of extensive litigation in federal court, and actions taken by the Indiana Department of Health (IDOH) with respect to provisional license issuance were the result of court order. Even while operating under a provisional license, however, a clinic is subject to IDOH survey activity upon the agency's receipt of a complaint, and IDOH completed surveys for this clinic when violations were reported. Further, in consultation with, and at the direction of, the Office of the Indiana Attorney General, IDOH's counsel in this matter, a full license for WWHSB was recently issued. As a result, this entity will be subject to the standard annual survey process going forward.

Enforcement of the fetal remains law is primarily monitored through review of disposition documentation. Additionally, as part of the regulatory survey process, IDOH surveyors request and review the Burial Transit Permit and Disposition for Fetal Remains forms and logs to confirm that the law is being followed and appropriate agreements between funeral homes or crematoriums and the clinics are in place and maintained. Any reported violation of the proper disposition of fetal remains is appropriately investigated.

A reconciliation process between the Indiana Department of Children Services (DCS) and IDOH exists to monitor provider compliance with the requirement to report abortions performed on minors.

To maintain confidentiality, all potentially identifying information is redacted from Terminated Pregnancy Reports (TPRs), including state and county residency information. Aggregated information regarding state and county residency is published in the annual report available on the IDOH website.

All complaints received are investigated, and when actionable, trigger the complaint survey process. If, during the survey, the complaint is substantiated and a violation is found to have occurred, the agency takes appropriate action against the licensed entity. Despite the challenges caused by the COVID-19 pandemic, IDOH has completed the 2021 annual surveys for all licensed

clinics. Any facility with an identified violation is required to submit to IDOH for approval a plan of correction to address the deficiencies or findings cited in the survey.

IDOH continues to conduct the annual survey process, which includes a robust quality assurance and quality review process. Survey processes are specifically executed according to the statutory and regulatory scheme in place. A uniform survey checklist based on the legal framework is used in each annual survey completed.

We look forward to continuing to work with you on these matters of importance to the health of our state.

Sincerely,

A handwritten signature in black ink that reads "Eric Holcomb". The signature is written in a cursive, slightly stylized font.

Eric J. Holcomb
Governor of Indiana