

3701-47-07

Appropriate Methods for Determining Presence of a Fetal Heartbeat.**(A) As used in this section:**

- (1) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.**
- (2) "Gestational age" means the age of an unborn human individual as calculated from the first day of the last menstrual period of a pregnant woman.**
- (3) "Standard medical practice" means the degree of skill, care, and diligence that a physician of the same medical specialty would employ in like circumstances. As applied to the method used to determine the presence of a fetal heartbeat for purposes of section 2919.192 of the Revised Code, "standard medical practice" includes employing the appropriate means of detection depending on the estimated gestational age of the fetus and the condition of the woman and her pregnancy.**
- (4) "Unborn human individual" means an individual organism of the species homo sapiens from fertilization until live birth.**
- (5) "Immediately" means no more than sixty minutes prior to the performance or inducement of a surgical abortion and no more than sixty minutes prior to the writing of a prescription for the purposes of performing or inducing a medical abortion.**

(B) Any person who intends to perform or induce an abortion on a pregnant woman is obligated to determine whether there is a detectable fetal heartbeat of the unborn human individual the pregnant woman is carrying. The method of determining the presence of a fetal heartbeat is to be consistent with the person's good faith understanding of standard medical practice and meet the following minimum standards:

- (1) Any person who intends to perform or induce an abortion on a pregnant woman is obligated to use real-time ultrasound equipment with a transducer of appropriate frequency.**
- (2) Unless acting in accordance with the medical emergency exception found in division (B) of section 2919.193 of the Revised Code as amended and effective July 11, 2019, immediately prior to performing or inducing an abortion, a person who intends to perform or induce an abortion on a pregnant woman is obligated to determine the presence of a fetal heartbeat by using properly maintained and functioning ultrasound equipment, to give the pregnant woman**

the option to view or hear the fetal heartbeat, and to include in the pregnant woman's medical record an attestation signed by the pregnant woman that she was given the option to view or hear the fetal heartbeat.

- (C) Written notations made by a physician and entered into a pregnant woman's medical record in accordance with division (C) of section 2919.193 of the Revised Code as amended and effective July 11, 2019 are to be typewritten by computer or other legible means when possible. When typewritten notations are not possible, clearly legible handwritten notations in print or block script are permissible.
- (D) The person who determines the presence or absence of a fetal heartbeat is obligated to record in the pregnant woman's medical record the estimated gestational age of the unborn human individual, the method used to test for a fetal heartbeat, the date and time of the test, and the results of the test.
- (E) The person who determines the presence or absence of a fetal heartbeat is obligated to include the estimated gestational age of the unborn human individual, the method used to test for a fetal heart beat, the date and time of the test, and the results of the test on the confidential abortion report that is filed with the department of health.

Replaces: 3701-47-07

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 2919.192
Rule Amplifies: 2919.192, 2919.193
Prior Effective Dates: 06/24/2022 (Emer.), 09/05/2022 (Emer.)