

ABORTION

All claims for an abortion must be accompanied by documentation that establishes the reason why it was necessary to perform the abortion. Information provided by the physician will be reviewed by the Medical Services Division's medical consultant and the director of Medical Services to ensure the abortion was necessary to save the life of the woman or was the result of an act of rape or incest. If the supplied documentation meets ND Medicaid guidelines, payment will be approved. The claim will be denied payment if documentation does not meet these guidelines.

DOCUMENTATION REQUIREMENTS

Abortions to Save the Life of the Woman - The treating physician must provide a signed written statement that, in the physician's professional judgment, the life of the woman would be endangered if the fetus were carried to term. The statement must contain the reasons why the physician believes the life of the woman would be in danger if the fetus were carried to term.

Abortions that are a Result of an Act of Rape or Incest - If a member reports an act of rape or incest to an appropriate law enforcement agency or, in the case of a minor who is a victim of incest, to an agency authorized to receive child abuse and neglect reports, the physician must provide ND Medicaid with a signed written statement indicating that the rape or act of incest has been reported and to whom the report was made.

- If the rape or act of incest was not reported to an appropriate agency, the member must sign a written statement indicating her current pregnancy resulted from either an act of rape or incest. The treating physician must provide a signed written verification that, in the physician's professional judgment, the woman's pregnancy resulted from rape or incest.
- North Dakota Century Code defines the crime of "incest." [N.D.C.C. § 12.1-20-11](#). North Dakota statutes do not define the common law crime of "rape," which is unlawful carnal knowledge of a female without her consent. North Dakota statutes prohibiting "gross sexual imposition," "sexual imposition," and "sexual abuse of a ward" all describe the common law crime of rape. Each of these statutes uses the term "sexual act." You may wish to consult an attorney for assistance if you are not certain that the sexual act that produced the pregnancy was an act of rape or incest.

Treatment for infection or other complications of the abortion are covered services.