

Judge continues to block Mississippi abortion law

July 11 2012, by EMILY WAGSTER PETTUS

(AP) — A federal judge on Wednesday continued to block a state law that threatened to shut down Mississippi's only abortion clinic and make it nearly impossible for a woman to get the procedure in the state.

U.S. District Judge Daniel P. Jordan III temporarily blocked the law July 1 and extended that order Wednesday, though he did not say when he would rule on the clinic's request to put the law on hold for a longer period. If he grants that request, the case eventually would go to trial.

The U.S. Supreme Court has ruled that American states can't place undue burdens or substantial obstacles to women seeking abortion. The state law would require anyone performing clinic abortions to be an OB-GYN with privileges to admit patients to a local hospital. The doctors at the clinic in Jackson do not have those privileges, which the clinic has said aren't necessary.

Supporters of the law said it's designed to protect patients. Republican Gov. Phil Bryant has said he hopes it will help make Mississippi "abortion-free."

The clinic, Jackson Women's Health Organization, said it has been unable to obtain admitting privileges for its two out-of-state OB-GYNs because local hospitals have not responded to their requests.

"They're out to close us down," the clinic's owner, Diane Derzis, said of state officials.

Admitting privileges can be difficult to get because hospitals might not grant them to out-of-state physicians, or hospitals with religious affiliations might not give them to abortion doctors.

When clinic employees called a Catholic hospital to ask about applying for privileges, "We were told not to bother," Derzis said.

The clinic said it would face "irreparable harm" if the law were to be enforced because hospitals haven't said when — or if — they'll consider the privileges.

"If they're denied or if the hospitals are dragging their feet, that's going to be more clear evidence that there's a substantial obstacle" to an abortion, clinic attorney Robert McDuff said.

The state government said the privileges help protect patients by ensuring they have continuity of care if a woman needs to go to the hospital

The state attorney general's office declined to comment after the hearing.

Steven Aden, an attorney for an anti-abortion group Alliance Defending Freedom, said he was retained by Democratic Attorney General Jim Hood to act as a consultant in the case.

"All the state is doing here is to apply a common-sense rule that's applicable to all ambulatory surgical centers," Aden said.

The law was passed by the Republican-controlled Legislature. When the governor signed it in April, he said, "If it closes that clinic, then so be it." Republican Lt. Gov. Tate Reeves said: "We have an opportunity today with the signing of this bill to end abortion in Mississippi and also to

protect women."

The clinic uses out-of-state physicians because in-state physicians generally don't want to face the social pressure of having protesters at their offices, homes or churches, clinic employees say.

Opponents of the law say any patient experiencing complications could receive immediate care from emergency room physicians.

Derzis said since she acquired Jackson Women's Health Organization in 2010, no woman has had to be taken from the clinic by ambulance.

The U.S. Supreme Court's Roe v. Wade decision in 1973 established a nationwide right to abortion. In 1992, the court's decision in Planned Parenthood v. Casey upheld the Roe decision and allowed states to regulate abortions before fetuses are viable. But the 1992 decision also said states may not place undue burdens or substantial obstacles to women seeking abortion.

If the clinic closed, the closest clinics to Jackson are about 200 miles (320 kilometers) away, in Louisiana, Tennessee and Alabama.

Clinic operators say almost all the abortions in the state are done in their building. They say in court papers that the clinic did about 3,000 abortions in 18 months.

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