

US judge blocks enforcement of new abortion law

September 1 2014, by Janet McConnaughey

A federal judge has temporarily blocked Louisiana from enforcing its restrictive new abortion law. But lawyers and advocates appeared to disagree about whether the judge's order affects doctors at all five abortion clinics in the state or only those at three clinics whose lawsuit challenges the measure.

U.S. District Judge John deGravelles wrote that authorities cannot enforce the [law](#) until he holds a hearing on whether an order to block it is needed while the case remains in court.

The law requires [doctors](#) who perform abortions to have admitting [privileges](#) to a hospital within 30 miles (48 kilometers) of their clinics. The lawsuit claims doctors haven't had enough time to obtain the privileges and the law likely would close all five clinics.

"Today's ruling ensures Louisiana women are safe from an underhanded law that seeks to strip them of their health and rights," Nancy Northup, president and CEO of the Center for Reproductive Rights, one of the groups representing two northwest Louisiana clinics, one in suburban New Orleans, and doctors at those clinics, said in a news release.

But Kyle Duncan, representing state Health and Hospitals Secretary Kathy Kliebert, said in emails that it covers only the plaintiffs—not clinics in New Orleans and Baton Rouge or the doctors who work at those clinics.

DeGravelles' order states that "any enforcement" of the law is forbidden until a hearing. However, his next sentences state that the law will go into effect but plaintiffs cannot be penalized for practicing without admitting privileges during this period while their applications are still pending.

The judge said he will call a status conference within 30 days to check on the progress of the plaintiffs' applications and to schedule a hearing to consider a request for an order blocking the law while the case is in court.

For now, the doctors' risk of \$4,000 fines and losing their licenses outweighs any possible injury to the state from keeping the status quo, he wrote. That's especially true, he wrote, because Louisiana's health secretary has said she doesn't plan to enforce the law any doctors who don't yet have a final decision on their hospital applications.

However, deGravelles noted, neither Kliebert nor the head of the Board of Medical Examiners promised that they would never prosecute those doctors later for violations that occurred starting Monday.

On that point, he wrote, the case is very similar to one in Mississippi, where a [federal appeals court](#) overturned a similar law.

However, he said, clinics' lawyers have not proven that enforcing the law would shut down most, if not all, of Louisiana's clinics, eliminating access to legal abortions in Louisiana. Because the doctors' applications haven't all been acted on and the attorneys don't represent two clinics, that's speculative, he said.

"How many patients do these other two facilities treat? How many doctors practice there? How many of these doctors have applied for admitting privileges and what is the status of their applications?" he wrote. He said he needs answers to those and other questions, including

how far patients would have to travel for care if the other two clinics stayed open.

Admitting privileges laws have passed across the South.

A panel of the 5th U.S. Circuit Court of Appeals, which has jurisdiction over Louisiana, upheld a similar Texas law. But in July, a different panel of the 5th Circuit voted to overturn Mississippi's law, which would have shuttered the state's only abortion clinic, saying every state must guarantee the right to an abortion.

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