

Abortion ruling may not open door for new Texas clinics

June 27 2016, by Paul J. Weber



Lucy Ceballos, center, and Isabella Soto, left, members of the National Institute for Reproductive Health, celebrate the U.S. Supreme Court ruling against Texas' abortion restrictions in front of Whole Woman's Health Monday, June 27, 2016, in McAllen, Texas. Whole Woman's Health is a abortion provider that stayed open despite the restrictions as many other providers closed over the past two years. (Nathan Lambrecht/The Monitor via AP)

Abortion providers celebrating the U.S. Supreme Court striking down major Texas abortion restrictions Monday also begrudgingly acknowledged a daunting reality: The damage is done, and no time soon are women likely to see new clinics start replacing dozens that have folded since 2013.

The restrictions that justices toppled in a 5-3 decision have already forced more than half of Texas' abortion clinics out of business—from 41 facilities before the law was passed to 19. Had the law that former Democratic State Senator Wendy Davis once temporarily blocked with an 11-hour filibuster been found constitutional, only 10 would have remained open in a state of 27 million people.

But while the biggest abortion ruling by the Supreme Court in a generation leaves Planned Parenthood and others in Texas free to open smaller and more modest clinics, providers made no promises about breaking ground on new facilities. And any openings, they cautioned, could take years, meaning that women in rural Texas counties are still likely to face hours-long drives to abortion clinics for the foreseeable future.

Buildings need to be leased. Staffs need to be hired. Clinics must still obtain state licenses and funds for medical equipment must be raised. Meanwhile, the Republican-controlled Legislature is all but certain to remain hostile to abortion providers that try to expand.

"We really have a daunting task to determine whether and how we can reopen our health centers," said Whole Woman's Health founder Amy Hagstrom Miller, whose chain of abortion clinics in Texas includes the state's only provider on the southern border with Mexico.

Planned Parenthood President Cecile Richards also would not immediately commit to the nation's largest abortion provider opening

more Texas clinics, but she expressed hope.



Traffic passes a Planned Parenthood sign in Dallas, Monday, June 27, 2016. The Supreme Court struck down Texas' widely replicated regulation of abortion clinics in the court's biggest abortion case in nearly a quarter century. The justices voted 5-3 in favor of Texas clinics that had argued the regulations were only a veiled attempt to make it harder for women to get abortions in the nation's second-most populous state. (AP Photo/LM Otero)

"Just to re-establish services in a community and get the licensures is just not something that is going to happen overnight," said Richards, who is the daughter of former Texas Gov. Ann Richards.

The Texas laws required doctors who perform abortions to have admitting privileges at nearby hospitals and forced clinics to meet hospital-like standards for outpatient surgery. The bill propelled Davis, then a state senator who ran for governor in 2014, to national stardom when her filibuster packed the Texas Capitol with raucous protesters whose shouts deafened the Senate floor as time ran out on the measure.

More than 40 abortion clinics in Texas were open at the time, but neither Richards nor abortion rights groups would predict whether Texas would ever reach that number again. Davis said the expectation for now is that areas without a nearby clinic will at least see one reopen within the next six months, and said the goal for Texas may not necessarily be getting back above 40 facilities.

"The benchmark is more closely aligned with geographic proximity," Davis said. "If women are able to geographically access that care without tremendous costs or burdensome travel then we'll be back to where we need to be."

Monday's ruling now gives Texas abortion providers the go-ahead to continue offering abortions in smaller facilities that are akin to doctor's offices. Many clinics had faced multimillion-dollar renovations to comply with the law, such as upgrades to air ventilation systems and hallways wide enough to accommodate hospital beds.

Republican Texas Gov. Greg Abbott rebuked the justices for taking away rules that he says protect the health and safety of women, and Republican leaders in states including Michigan, Missouri and Pennsylvania have used similar arguments while enacting nearly identical

laws. Justice Ruth Bader Ginsburg, writing in a concurring opinion, said it was "beyond rational belief" that the Texas law looks after women.

The landscape of abortion in Texas changed drastically over the last three years: Most remaining clinics are concentrated around the major cities of Dallas, Houston, Austin and San Antonio, leaving many women in vast rural swaths of the state facing long drives to the nearest provider. The result was that wait times at some Texas abortion clinics started exceeding 20 days, Davis said, while opponents of the law also warned about women seeking out abortions in Mexico instead.

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