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## Tenth Texas Abortion Practitioner Under State Investigation

State Steven Ertelt Aug 24, 2011 | 1:47PM Austin, TX

A tenth abortion practitioner in Texas is now under state investigation following an undercover sting operation showing abortion centers in the Lone Star State breaking numerous Texas laws concerning abortions and engaging in illegal dumping of patient records and medical waste.

Operation Rescue, which [conducted the undercover investigation](#) with Survivors, has been notified that Franz C. Theard will face a disciplinary hearing later this year before the Texas Medical Board based on a complaint the pro-life group filed. Theard will face an Informal Settlement Conference/Show of Compliance (ISC) hearing on October 28.



Theard is an El Paso abortion practitioner who also runs an abortion center just over the state border in New Mexico. Operation Rescue recorded one of Theard's employees coaching a caller who claimed to be a minor seeking an abortion, [to cross state lines](#) to avoid having to comply with the Texas parental notification law.

The caller posed as a 17-year old minor who wanted an abortion and the receptionist quickly scheduled an abortion for her for the following Saturday at 9:00 am and told her to bring an I.D. and \$460. Then the abortion center staff helps the caller evade Texas law.

Caller: Can I get a note for the doctor? Um...

Lupa: Why?

Caller: For school?

Lupa: [Unintelligible]—school?

Caller: 'Cuz I'm still in high school.

Lupa: How old are you?

Caller: Seventeen.

Lupa: If you're 17, your parent needs to come with you.

Caller: Oh, uh, I don't want the—

Lupa: Do they know you're pregnant?

Caller: No. No.

Lupa: We have another clinic. It's in Sunland Park in Santa Teresa—

Caller: Santa Theresa where?

Lupa: Uh-huh. There you don't need an appointment and you don't need your parents. You could go on Tuesday.

Caller: On Tuesday? Oh.

Lupa: Yes, and it will be at 1:30.

Caller: 1:30? With the same doctor?

Lupa: Yes, ma'am.

Caller: Okay. So on Tuesday, in Santa Teresa I can go—?

Lupa: —address?

Caller: I need the address.

Lupa: It's 5290 McNutt Road.

Lupa then assures the caller that she will see Dr. Theard and that she does not need to tell her parents.

“Santa Teresa is a community across state lines from El Paso in New Mexico, where abortion laws are essentially non-existent,” Operation Rescue president Troy Newman says. “It has become obvious that Theard keeps this clinic open for the purpose of circumventing Texas abortion laws that require minors must have the consent of their parents before abortions can be done.”

“If encouraging a minor to cross state lines to evade the laws of her home state isn't illegal, it ought to be,” said Newman. “Those laws were enacted to protect young girls and to protect the integrity of the family and parental rights. Theard is openly defying the intent of the Texas legislature and trampling the rights of parents while profiting off the vulnerability of their underage daughters. It's really quite despicable.”

The people involved in the undercover investigation also [discovered the remains](#) of unborn children victimized by abortions left in the parking lot outside Theard's El Paso abortion clinic earlier this year. That incident was also reported to the Medical Board by Operation Rescue.

“Theard and the other abortionists have played fast and loose with the law for far too long. Their actions have endangered women, created public health hazards, and misled young women into

having preventable abortions,” said OR president Troy Newman. “We look forward to seeing them held accountable to the law.”

“The results have shaken the abortion cartel in Texas. So far, two abortion clinics, Whole Women’s Health in Austin and McAllen have been cited for illegal dumping of aborted baby remains and a total of ten abortionists must face ISC hearings to determine what discipline, if any, they should face for violations that have not been made public by the Board,” Newman continued. “Hearings for all ten abortionist will take place on the same day and are scheduled a half hour apart.”

“This will be a day of reckoning for abortionists in Texas and will send the strong message that they are not above the law,” he said.

The other abortion practitioners who face disciplinary hearings include William Watkins West, Jr., Robert E. Hanson, Jr., Pedro J. Kowalyszyn, Sherwood C. Lynn, Margaret Kini, Alan Molson, Robert L. Prince, Douglas Karpen, and H. Brook Randal.

[The group filed complaints](#) with the Texas Medical Board against twelve abortion practitioners for violations it discovered.

As a further result of the Operation Rescue investigation, the Texas Commission on Environmental Quality (TCEQ) verified health code violations — including the illegal disposal of the remains of aborted babies — occurred at Whole Women’s Health abortion clinics in McAllen and Austin and has cited the clinics for them. Whole Women’s Health is affiliated with the National Abortion Federation, a scandal-plagued national association of abortion businesses found to be among the worst in the nation in complying with even the most basic health and safety standards.

The allegations against the abortion practitioners range from mishandling private patient medical records and information, violating informed consent laws, disregarding the 24-hour waiting period, improper disposal of biohazardous medical waste, including human tissue, [instructing minors to cross state lines](#) to avoid Texas parental notification laws, and mishandling of drugs and prescription forms.

Kini, Molson, and Randal are affiliated with the Whole Women’s Health abortion business, [which have already been cited by the Texas Commission on Environmental Quality](#) (TCEQ) for the improper disposal of the remains of babies victimized by abortions. Prince and Karpen are affiliated with the Northpark Medical Group abortion business in Dallas, OR says, and Molson also has an affiliation with this clinic as well as Whole Women’s Health.