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## Planned Parenthood lawsuit looks to expand who can provide abortions in Idaho

By Gretel Kauffman Of the Twin Falls Times-News Jan 1, 2019

A legal challenge to an Idaho law limiting who can perform abortions could make abortion services more accessible for Idahoans if it is successful, proponents say.

The lawsuit, filed Dec. 14 by Planned Parenthood and the Seattle-based advocacy group Legal Voice, argues Idaho's law requiring abortions to be performed by a licensed physician is unconstitutional.

The suit points to research demonstrating that advanced practice clinicians — a class of medical professional that includes nurse practitioners, physician assistants and nurse midwives — are medically qualified to “safely and effectively” provide abortion care as well.

Idaho is one of 42 states with such a requirement, according to data from the Guttmacher Institute. It's the second state to have the law challenged in court after Planned Parenthood filed a similar lawsuit in Maine in 2017.

“A lot of states passed these physicians-only statutes in the wake of Roe v. Wade, in large part because there was a concern about unskilled, untrained, unlicensed providers providing abortion care,” said Kim Clark, a senior attorney with Legal Voice. “But the delivery of medical care has changed drastically since these laws were passed.”

Under the current law, women often have to travel long distances within a narrow window of time in order to receive an abortion, Clark and others behind the lawsuit say.

There are five abortion-providing facilities in Idaho, including three Planned Parenthood clinics in Twin Falls, Boise and Meridian. A shortage of physicians in Idaho, particularly in rural areas, exacerbates accessibility-related challenges, the lawsuit's plaintiffs say.

If the statute were changed to let advanced practice clinicians perform abortions, the lawsuit's plaintiffs say, existing clinics could offer abortion services more days a week, with the potential for additional new clinics to open. Ninety-five percent of Idaho counties do not have a clinic that provides abortions, with 68 percent of Idaho women living in those counties, according to data from 2014.

Rep. Fred Wood of Burley, a retired physician and chairman of the House Health & Welfare Committee, said he was not aware of the law before Thursday. As far as he knows, Wood said, discussion of changing the law has never come up in the Idaho statehouse.

One of the lawsuit's plaintiffs, Mary Stark, is an Oregon-based nurse practitioner who previously lived in Idaho and has worked in Planned Parenthood clinics in Twin Falls and Ada County.

In Twin Falls, a physician is present in the Planned Parenthood clinic just two days a month — meaning that if a woman chooses to have an abortion, there are only two days a month which she can do so. However, there is typically an advanced practice clinician at the clinic about four days a week.

The Boise Planned Parenthood has a physician in the clinic about one day a week, but an advanced practice clinician is in the office six days a week.

While working in Twin Falls, Stark said, she often saw women who traveled hours from neighboring areas — and while working in Boise, she saw some who drove from Twin Falls because they weren't able to arrange their schedule around the two-day-a-month window.

"The woman would have to decide, 'Can I rearrange my life around that one day or do I have to continue this pregnancy?' " Stark said.

Twin Falls County Prosecuting Attorney Grant Loeb is listed as a defendant in the lawsuit, along with the Attorney General Lawrence Wasden, Ada County Prosecuting Attorney Jan Bennetts, and members of the State Board of Medicine and State Board of Nursing. Loeb said his office has never had to enforce the law locally.

In neighboring Oregon, where she is currently based, Stark is legally permitted to perform medication and aspiration abortions. She is also allowed to administer medication abortions in Washington.

“It’s like my skills magically dry up when I cross the border,” Stark said.

The Attorney General’s Office had no comment on the lawsuit as it’s considered pending litigation, a spokesman for the office said.