

Bevin administration sues 2nd abortion clinic



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(Photo: Mike Weaver, Special to the CJ)

FRANKFORT, Ky. – The administration of Gov. Matt Bevin has filed a lawsuit against a second abortion clinic in Kentucky, claiming the EMW Women's Clinic in Lexington is operating unlawfully.

The lawsuit follows a similar action last month in which the Bevin administration [filed a lawsuit against Planned Parenthood \(/story/news/politics/ky-governor/2016/02/18/bevin-sues-planned-parenthood-over-abortions/80562202/\)](#) of Indiana and Kentucky, alleging it had begun offering abortions without a license.

Planned Parenthood has denied the allegations but suspended offering abortions while it tries to resolve the licensing dispute.

Wednesday's lawsuit against EMW prompted Michael Aldridge, executive director of the American Civil Liberties Union of Kentucky, to denounce what he called "the increasingly hostile climate around access to abortion in our commonwealth."

"Safe and legal abortions are already difficult for many Kentucky women to access, with only two clinics in Louisville and Lexington," Aldridge said. "Through lawsuits and a string of anti-abortion bills this legislative session, constitutional rights are being eroded under the guise of women's safety."



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[Stricter rules for Ky abortion clinics advance](#)

(<http://www.courier-journal.com/story/news/politics/ky-legislature/2016/03/03/stricter-rules-abortion-clinics-approved/81229708/>)

EMW currently is the [state's only abortion provider \(/story/news/politics/2016/03/02/u-i-hospital-drops-planned-parenthood-pact/81176190/\)](#). It operates its main clinic in Louisville and offers part-time services in Lexington.

Bevin has described himself as "unapologetically pro-life." But both lawsuits say the health and safety of patients are the primary concern for suing the abortion clinics.

Vickie Yates Brown Glisson, secretary of the state Cabinet for Health and Family Services, said the EMW clinic in Lexington was operating without a license or the required "transfer agreement" with an ambulance service to take [patients to a hospital in the event of an emergency \(/story/news/politics/ky-legislature/2016/03/03/stricter-rules-abortion-clinics-approved/81229708/\)](#).

Further, she said, a recent inspection found the clinic to be "unsanitary" and that it had not been inspected since 2006.

Aldridge said the ACLU will continue to fight for women's right to obtain abortions.

"What's happening in Kentucky is part of a national movement to strip away abortion access," he said.

The controversy over abortion clinics erupted shortly after [Planned Parenthood announced in January it had begun offering abortions \(/story/news/politics/2016/01/28/planned-parenthood-offering-abortion-clinics-city/79473454/\)](#) for the first time in Kentucky at its new clinic in downtown Louisville.

Planned Parenthood had applied for the clinic license last year under the administration of Gov. Steve Beshear, a Democrat who left office Dec. 7.

Bevin claimed the clinic was operating unlawfully, and officials with his administration ordered it to cease providing abortions.

State regulations require abortion clinics to be licensed and to have transfer agreements with a local hospital to admit patients and an ambulance service to transport them in the event of an emergency, officials with Bevin's administration said.

Planned Parenthood's license application was deficient in part because it lacked adequate transfer agreements, they said.

While EMW of Lexington did have an agreement with a local hospital, it did not have an adequate agreement with an ambulance service, putting the health of patients at risk, the lawsuit said.

The lawsuit against EMW, filed Wednesday in Fayette Circuit Court by M. Stephen Pitt, general counsel to Bevin, asks a judge to order EMW to cease performing abortions at the Lexington clinic and to impose fines of up to \$10,000 per day for every violation.

The lawsuit said the cabinet's Office of Inspector General visited the EMW clinic on Feb. 17 after receiving an anonymous complaint. It said inspectors found poor conditions including dust and grime in patient areas and expired or improperly stored medications.

It also said the clinic was operating as a physician's office when it should have been licensed as an abortion clinic.



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As for Planned Parenthood, its officials have said it was operating at the direction of state licensing officials who advised it to open its new clinic and begin offering services so that it could be inspected prior to receiving a license.

Officials with the Bevin administration said the clinic should not have opened and begun providing abortions without a license.

Planned Parenthood said it would proceed with its license application but suffered a setback this week when [KentuckyOne Health canceled a recent transfer agreement \(/story/news/politics/2016/03/02/u-l-hospital-drops-planned-parenthood-pact/81176190/\)](#) it entered with Planned Parenthood to accept patients at University of Louisville Hospital. KentuckyOne CEO Ruth Brinkley cited outside pressure and the fear of losing state funds as her reason for rescinding the agreement, according to Planned Parenthood lawyer Thomas Clay.

Brinkley, in a statement, said U of L Hospital would still accept all patients in an emergency and would not turn anyone away.

But the state has told Planned Parenthood it must have a signed transfer agreement with a hospital to be licensed to provide abortions.

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