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Cincinnati women seeking abortions for anomalies lose hospital option

Jessie Balmert and Chrissie Thompson, Cincinnati Published 5:44 p.m. ET Jan. 26, 2016 | Updated 7:56 p.m. ET Jan. 26, 2016



(Photo: The Enquirer/Sam Greene)

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Women seeking abortions after diagnoses of fatal fetal anomalies can no longer have the procedure at a Cincinnati hospital.

The last hospital in Greater Cincinnati to allow these abortions, The Christ Hospital in Mount Auburn, two months ago stopped permitting physicians to perform them, as part of a policy obtained by The Enquirer.

An Enquirer inquiry into the policy change showed that Christ -- like other hospitals throughout Ohio -- had failed to report its abortions to state officials, as required by state law. The hospital has since told state officials it performed 59 abortions in the last five and a half years.

Christ's new one-paragraph policy, which took effect Nov. 20, says physicians may terminate pregnancies only "in situations deemed to be a threat to the life of the mother." That's in line with policies and practices at the region's four other Ohio hospital systems.

Any woman seeking to terminate a pregnancy after a fetal anomaly diagnosis now must travel out of Greater Cincinnati or seek an appointment at Planned Parenthood.

"The cases are highly emotional and tragic," said Danielle Craig, spokeswoman for Planned Parenthood of Southwest Ohio. "Under these circumstances, for many patients, an overnight stay in a hospital is better than an outpatient procedure, and women should have that option."

Planned Parenthood will perform abortions in the case of a fatal fetal anomaly, but must refer such cases to a hospital outside the region if a woman has certain complicating health risks, Craig said in an email.

The Christ Hospital has a constitutional right to change its policies in line with its beliefs, countered Mike Gonidakis, president of Ohio Right to Life.

"We have to respect the freedom of conscience," he said.

A Christ Hospital spokeswoman wouldn't discuss the facility's previous practices, including whether it had allowed abortions in the case of fatal fetal anomalies. But a Cincinnati-area doctor, who says he performs the procedures "only if the baby is going to die," said he terminated more than a dozen pregnancies at the facility last year, all of which took place at 16 to 20 weeks' gestation -- a time period legal under Ohio law.

No record of abortions

Under [state law](#), hospitals must report abortions performed after 12 weeks to the Ohio Department of Health in both monthly and annual filings. But as of early December, when The Enquirer checked with the health department, officials said they had no record of Christ reporting any pregnancy terminations in any year.

Spokeswoman Kendall Herold told The Enquirer in a December email: "Like all hospitals, The Christ Hospital is routinely surveyed by regulatory agencies to assure we're in compliance."

Until The Enquirer's inquiry, state health officials didn't realize they had not received required records from Christ, along with all of Cincinnati's hospitals and other hospitals around the state.

Local hospitals insist they don't have to file the reports if they haven't performed any abortions. But Christ had allowed physicians to terminate pregnancies after a fatal fetal anomaly diagnosis, according to Dr. David Schwartz, an obstetrician who had terminated such pregnancies there.

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After receiving questions from The Enquirer and a reminder notice from the state, The Christ Hospital filed a report on Dec. 30 that tallied its monthly abortions since 2009, including 14 terminations in 2015 and 18 in 2014.

Asked about the late filings, spokeswoman Herold said in an email: "The Christ Hospital has made the necessary regulatory filings. The state has the filings."

State law does not prescribe a penalty for late or delinquent filings of hospital abortion reports.

'The only safe place'?

Schwartz, who delivers babies and performs surgeries at The Christ Hospital, says the abortions he performed there started with referrals by a perinatologist, a doctor who specializes in caring for complicated pregnancies.

"It was documented that the baby was going to die," Schwartz told The Enquirer. In such cases, he said, "it's safer to terminate the pregnancy than to let the pregnancy go, because there's more risks to a full-term pregnancy than there are to terminate under 20 weeks" gestation. Still, some women choose to carry such pregnancies to term.

One of the abortions Schwartz has performed at Christ over the years involved a fetus that had been diagnosed with anencephaly, in which the brain and skull don't fully develop. The condition is fatal; some babies born with the condition die within a few hours of birth, while others live a few days. About four years ago, Schwartz took that case before Christ's ethics board, which approved the procedure. [The Enquirer detailed the story](#) in December in its project about women who faced the decision of whether to terminate a pregnancy.

Because of some women's health conditions, "in many situations, a hospital is the only safe place for a woman to go" if she decides to terminate a pregnancy, said Kellie Copeland, executive director of NARAL Pro-Choice Ohio, in an email. "Women who used to be able to turn to Christ Hospital at their time of greatest need can no longer trust their community medical center."

Concerned about an abortion sign?

Schwartz says hospital officials told him last year they would soon stop allowing abortions after a diagnosis of a fatal fetal anomaly. Schwartz says they cited [a 2008 Ohio law](#) that requires facilities that terminate pregnancies to post a sign "in a conspicuous location ... accessible to all patients, employees, and visitors."

The sign, which must be 17 by 11 inches, reads in part, in at least 44-point type: "NO ONE CAN FORCE YOU TO HAVE AN ABORTION. NO ONE -- NOT A PARENT, NOT A HUSBAND, NOT A BOYFRIEND -- NO ONE."



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Facilities don't have to post the sign if they only perform abortions to prevent a pregnant woman's death or substantial injury -- essentially the new policy Christ adopted.

Spokeswoman Herold declined to comment on the conversation Schwartz says he had with hospital officials. She also declined to comment when asked to confirm the authenticity of the new policy obtained by The Enquirer.

The new policy, titled "Termination of Human Pregnancy," was approved by the board of directors at The Christ Hospital. Physicians may terminate pregnancies if the fetus or embryo is already "deceased," the policy says. "No person is required to participate in the termination of a human pregnancy," the policy says, even if a pregnancy threatens a woman's life -- the scenario in which an abortion is allowed at Christ. Read the full policy below.

"We periodically review our policies so our practices are reflective of our mission and the evolving regulations in this area," Herold said in an email. "The Christ Hospital provides compassionate care for the mother when her life is at risk. We refer to other quality health care providers cases that fall outside of this policy."

A Christian missionary founded Christ hospital, but its website doesn't indicate any current religious affiliation. Herold didn't respond Tuesday to a question about the hospital's affiliation.

Other hospitals don't terminate for anomalies

The change brings Christ in line with the policies at other Greater Cincinnati hospitals.

TriHealth, a Catholic hospital system, will not allow abortions in any case at its five hospitals: Good Samaritan in University Heights; Bethesda hospitals in Montgomery, Hamilton and Lebanon; TriHealth Evendale and McCullough-Hyde Memorial in Oxford.

UC Health will take cases before an ethics board if a physician believes an abortion is necessary to protect a woman's life, spokeswoman Diana Lara said. But the hospital, she said, will not terminate a pregnancy in the case of a fatal fetal anomaly. UC Health does not terminate pregnancies after 17 weeks' gestation, Lara said.

At St. Elizabeth Healthcare hospitals in Northern Kentucky, spokesman Guy Karrick said the hospital follows the official Catholic directive for health care providers. He declined to say specifically whether the facility allowed abortions in the case of fatal fetal anomalies, but the [2009 edition](#) of the directive states: "Prenatal diagnosis is not permitted when undertaken with the intention of aborting an unborn child with a serious defect."

A Mercy Health spokeswoman declined to say explicitly whether the Catholic hospital

system would approve a pregnancy termination in the case of a fatal fetal anomaly that didn't threaten the pregnant woman's life.

"Issues can occur in a pregnancy that can be life threatening to the fetus or the mother or both. In these situations, we make ethical decisions consistent with Catholic tradition based on sound clinical information provided by physicians and other caregivers," Nanette Bentley said in an email. "These cases are extremely complex and we find it best to handle them on a case-by-case basis. There is no set answer."

Still, the hospital system has not reported any abortions to the state in recent years – because, Bentley said, it hasn't performed any. "We are not aware of any requirement to file a lack of abortions," she said.

'Laws,' not 'suggestions'

The Ohio Department of Health disagrees and is requesting what it considers delinquent data, spokesman Russ Kennedy said.

"The code says you have to submit a report. It doesn't say: 'unless there is none,' " Kennedy said.

Blame for not following state law should fall on both hospital officials and on the Ohio Department of Health, which failed to pursue and collect the data, said Gonidakis, of Ohio Right to Life.

"These are laws. They aren't suggestions," he said.

The late reports from The Christ Hospital did not affect Ohio's annual tally of abortions performed statewide, Kennedy said. The health department already tracked the number of abortions performed in Ohio hospitals through doctor-submitted reports.

Those reports are confidential because they contain patients' names, and the health department declined to say whether Schwartz had filed any. But Schwartz said he has signed those forms for the pregnancies he has terminated.

In 2014, just 84 of Ohio's more than 21,000 abortions were performed at hospitals — 0.4 percent of all abortions statewide, according to [Ohio Department of Health's annual report](#).

Read the [new abortion policy](#) at The Christ Hospital



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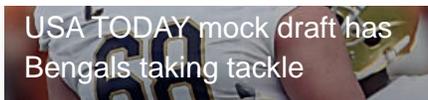


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