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Whole Woman's Health Reopens

Sees 40 patients on first days back in business

BY MARY TUMA, FRI., MAY 19, 2017

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Amy Hagstrom Miller (Photo by Jana Birchum)

For three years patients continued to knock on the door, and the phone never stopped ringing with calls from women hoping to schedule appointments – but they were directed elsewhere. After more than a decade as a reproductive health provider offering services to 60,000 patients from its flagship clinic on I-35 and Highway 183, **Whole Woman's Health** ceased operations in July 2014. Like half of the state's abortion clinics, WWH shuttered due to the state Legislature's draconian 2013 anti-choice package law, House Bill 2.

Represented by the Center for Reproductive Rights, WWH's CEO and founder **Amy Hagstrom Miller** and fellow providers took Texas to court, arguing HB 2 was unconstitutional, and imposed an undue burden on women. Last June, following a protracted legal battle, the U.S. Supreme Court granted Texas women a resounding victory by striking down two major provisions of HB 2 in the historic *Whole Woman's Health v. Hellerstedt* ruling. However, clinics didn't turn the lights back on overnight. In fact, more than two dozen remain closed.

But in late April, the independent, local provider reopened its doors – one of the first abortion clinics in Texas to reopen since the SCOTUS ruling. (**Planned Parenthood** in Waco and **Northpark Medical Group** in Dallas have also quietly resumed abortion services.) Hagstrom Miller is especially sentimental about the Austin location, her first WWH clinic, purchased after merging her previous Anderson Mill Road clinic in 2003. Since opening in Austin, she's started seven other clinics nationwide.

Rebuilding her original clinic has proved no easy task: Hagstrom Miller "started from ground zero," buying all new equipment, reapplying for licenses, and hiring and training new staff. She turned the clinic into a nonprofit, raising \$400,000 from various foundations to help fund the reopened space, which in the interim served as a co-working office for progressive organizations (see "**Shift-ing Abortion Talk**," June 26, 2015). To maintain the lease, Hagstrom Miller fundraised, and at one point even offered up her own cash to keep operations afloat.

"It's not easy to reopen," she said. "In fact, I worry that we made it look too easy in Austin – I'm serious. Abortion providers are incredibly resilient. We fight regulations and find ways to comply with bad laws and make it look like 'Oh, it's no big deal,' we'll just bend over here and there."

Without the burden of HB 2's physician admitting privileges rule, three local doctors now work at the new Whole Woman's Health. For now, abortions up to 12 weeks will be performed, but soon that will rise to 14 and eventually 17 weeks and six days, according to staff physician Dr. **Jessica Rubino**. On her first full day of work in early May, Rubino and staff planned to see 40 patients, and calls keep coming in. Local demand is high.

"There is a great need here in Austin," said Hagstrom Miller. After HB 2 shut down half of the city's abortion clinics, Austin patients experienced some of the longest wait times (up to 20 days for an appointment) in Central Texas, according to research from the UT-based **Texas Policy Evaluation Project**. The reopened clinic brings Austin patients one more option in the dwindled landscape that now only claims two other abortion clinics (**Planned Parenthood** on Ben White Blvd. and **Austin Women's Health Center** on South I-35).

Empowering Environment

Telling of the hostile climate that abortion providers increasingly face, the building is under security; a camera and buzzer greet you at the door. Staff won't be surprised to see anti-choice protesters picketing on the street, but that's part of the job, they say. If needed, the clinic will place a call for volunteer escorts. "We've always had a lot of support in Austin, so we anticipate the same response," said **Andrea Ferrigno**, vice president of Whole Woman's Health.

A photo of the late Governor **Ann Richards** now hangs in the waiting room. A witty **Molly Ivins** quote adorns the back wall. A colorful painting of **Frida Kahlo** can be spotted in the hallway, while a print of **Wonder Woman** gleams in the recovery area. Each room is named after a historic and accomplished woman. The atmosphere Hagstrom Miller seeks to cultivate at Whole Woman's Health isn't that of a typical medical office – she's more interested in creating an

empowering and relaxing holistic environment. And HB 2, she says, severely threatened that experience for her patients.



Photo by Jana Birchum

A now-struck regulation forced clinics to unnecessarily transform into ambulatory surgical centers (ASCs), which meant inordinate costs for widened hallways, locker rooms, and other changes inappropriate to simple and safe outpatient care that typically lasts no more than 10 minutes. Hagstrom Miller winds down the lilac-colored hallway to a dimly lit room equipped with sizable recliner chairs and blankets – more akin to a spa than a sterile medical waiting room. The ASC requirement would have stripped her clinics of the comfort and ambience – from the lighting and room size, to even the locally sourced herbal tea they serve, and force patients to be wheeled in medical gowns, clinically separated by curtains, implying a much graver situation.

"It had the effect of making abortion seem scary, or more complicated, or dangerous, when it's really one of the safest procedures in medicine," said Hagstrom Miller. "It chipped away at women's dignity – it reinforced the stigma that abortion has to be cold, separate, and private. And they did that by design."

Still In Court

The impact of the Supreme Court case that bears the clinic's name rippled well beyond Texas: Today, 10 states have either repealed **targeted regulation of abortion providers** (TRAP) laws or blocked them from going into effect as a result of the SCOTUS opinion. "This is the new anti-abortion strategy, making laws that target clinics ... and it's not always visible to the public," said Hagstrom Miller, who hopes to use the win to chip away at the state's surviving onerous anti-choice laws, including a 24-hour pre-abortion sonogram regulation. Whole Woman's is back in the

courtroom, this time fighting a State Health Services rule that would force women to **bury or cremate fetal tissue** following an abortion or miscarriage. After issuing a temporary block earlier this year, a federal judge admonished the rule as a "pretext for restricting abortion access." The state quickly appealed the ruling to the 5th Circuit Court of Appeals, with opening briefs due May 30. A similar bill is currently floating in the Texas Legislature. If it passes, Hagstrom Miller plans to wrap it into her ongoing suit.

Hagstrom Miller stresses a caveat to the Whole Woman's rebirth story: Opening the door back up is "tremendously" difficult, and she predicts clinics in cities such as Corpus Christi, Midland, Lubbock, and College Station will likely stay shuttered. "It's important to note that this Austin office is a real exception," she said. Her Beaumont clinic remains dormant post-HB 2. "The more common scenario is that you end up with no income, you're stuck with a mortgage, and all this equipment, and you have no idea how to get out of it – all because [politicians] decided the building was not good enough."

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