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Mississippi's only abortion clinic fails to comply with law, faces shutdown threat

By | [Associated Press](#)

JACKSON, Miss. – Mississippi's only abortion clinic missed a Friday deadline to comply with a 2012 state law that requires each of its physicians to get hospital admitting privileges – a law the governor said he signed with the hopes of shutting the clinic down.

The state Health Department won't immediately close the clinic, Jackson Women's Health Organization. The department will set an inspection later, and if it orders a shutdown, the clinic can appeal.

Clinic administrator Diane Derzis said every Jackson-area hospital where the clinic applied for privileges said no.

"They were clear that they didn't deal with abortion and they didn't want the internal or the external pressure of dealing with it," Derzis told The Associated Press in a phone interview Friday.

Republican Gov. Phil Bryant has said repeatedly that he wants Mississippi to be abortion-free.

"My goal, of course, is to shut it down," Bryant said Thursday. "Now, we'll follow the laws. The bill is in the courts now, related to the physicians and their association with a hospital. But, certainly, if I

had the power to do so legally, I'd do so tomorrow."

The law requires anyone doing abortions in a clinic to be an OB-GYN with privileges to admit patients to a hospital near the facility where the abortions are done. The clinic filed a lawsuit last summer. U.S. District Judge Daniel P. Jordan III gave the facility time to try to comply with the law, blocking any criminal or civil penalties while the clinic tried to do so.

Admitting privileges can be difficult to obtain. Some hospitals won't issue them to out-of-state physicians, while hospitals that are affiliated with religious groups might not want to associate with anyone who does elective abortions.

One of the clinic's four physicians has admitting privileges, but the clinic said in court papers that he does little work at the clinic and he had the privileges before the new law took effect last July. The other three don't have privileges.

Even if the clinic's physicians don't have admitting privileges, a patient can be transferred from the clinic to a hospital emergency room, if needed. The clinic has said the customary practice is for a hospital to remain in contact with the physician who transferred the patient to the emergency room, regardless of whether that physician has admitting privileges at the hospital.

In November, the clinic asked Jordan to extend its time to comply with the law. Mississippi Attorney General Jim Hood on Friday filed a 35-page response, saying the law should take full effect because it's designed to protect patients' safety.

"Two federal circuit courts have expressly found that 'admitting privileges at local hospitals and referral arrangements with local expert' are 'so obviously beneficial to patients' undergoing abortions as to easily withstand a facial constitutional challenge alleging them to be undue burdens," Hood wrote.

No hearing has been set for Jordan to consider the competing requests.

Bryant's comments about wanting to shut the clinic came in response to reporters' questions after he spoke to several dozen pastors at a Pro-Life Mississippi luncheon, where people talked about holding church services outside the clinic for 40 days to mark the coming 40th anniversary of Roe v. Wade, the 1973 U.S. Supreme Court decision that established a nationwide right to abortion.

The clinic is about two miles north of the state Capitol building, in a trendy neighborhood with restaurants, art galleries and clothing stores. It's a nondescript mauve building separated from a street by an iron fence woven with the type of heavy black vinyl that's used for easy-clean restaurant tablecloths.

Outside the clinic Friday, small groups of people prayed, sang hymns and tried to talk to women as they entered or left.

"Any county you're from, there is help available for you folks," Cal Zastrow of Jackson called out to a woman as she walked to her car to leave.

"I'm not pregnant," the woman replied tersely.

Zastrow's 19-year-old daughter, Corrie, said her family has prayed outside abortion clinics since she was a small child. She said they once helped persuade a woman in Michigan not to have an abortion, and the woman later gave birth to twins.

"Holding that little baby was just incredible," Corrie Zastrow said.

At the Capitol Friday, Democratic Rep. Steve Holland said he was frustrated by conservative lawmakers' continuing efforts to restrict abortion.

"Until Roe v. Wade is reversed, that subject should never come up in the Legislature again," he said.

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