

Abortion clinic sued over disclosure of fetal remains research

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ALBUQUERQUE, N.M. — At 21, Jessica Duran conceived a child she hadn't planned for, and abortion, she said, felt like her only option.

It was 2012. The father of the baby, and Duran's parents, all said she should terminate the pregnancy. So she did.

She went to Southwestern Women's Options, signed a document that among other things allowed the fetal tissue of her 12- to 13-week aborted pregnancy to be used for medical research. She now says she didn't read the document closely, but that she was distraught.



Jessica Duran speaks at a press conference Monday about how the Southwestern Women's Options abortion clinic failed to inform her about what they would do with the fetal remains of her abortion. (Greg Sober/Albuquerque Journal)

In 2015, Duran learned her aborted fetus could have been used in medical research at the University of New Mexico.

"To know my child was used as a science project, a child I loved and wanted, it's devastating," Duran said.

Now, four years after the abortion, Duran filed a lawsuit against Southwestern Women's Options, seeking attorney fees, unspecified damages and the temporary cessation of the clinic's donation of fetal tissues.

Her attorney, Michael Seibel, contends the clinic failed to give Duran proper notice under law that her fetal body parts could be used in medical research, and that she should have been given a separate consent for donation.

Heather Brewer, a spokeswoman for Southwestern Women's Option, said the clinic had not been served with the suit, and that it stands by its procedures and care.

"Southwestern Women's Options has been caring for New Mexico women and their families for more than 40 years," Brewer said in a statement to the **Journal**. "During that time, the clinic has provided quality care in accordance with state regulations."

Duran announced the lawsuit at a news conference at the UNM Student Union Building Monday morning that was hosted by New Mexico Alliance for Life, an anti-abortion group.

Currently, a U.S. House of Representatives Select Investigative Panel has been reviewing both Southwestern Women's Options and UNM, which receives fetal tissue from the clinic. It has asked Attorney General Hector Balderas to investigate both parties, and Duran joined that call Monday. A spokesman for the AG's Office said the matter is under review.

Under federal law, abortion providers are prohibited from selling fetal tissue, but they can donate it for medical research. Abortion providers can recover the cost of processing and transferring the tissue, though those costs are not specified or capped by law.

According to the lawsuit, Duran signed an "informed consent" document with the statement, "I consent to their examination and their use in medical research and their disposal by the clinic and or physician in the manner they deem appropriate."

Seibel said that statement alone isn't enough under a state law, the Maternal Fetal and Infant Experimentation Act, to allow Southwestern Women's Options to give Duran's aborted fetal remains to UNM. The suit also accuses the staff of lead doctor Curtis Boyd of failing to tell Duran about the clinic's connection to UNM.

The suit also charges Duran never received documents regarding where the aborted remains went.

According to the lawsuit, Duran had her abortion 13 weeks into her pregnancy on Oct. 10, 2012. The next week, the clinic transferred two specimens, approximately 11.5 and 12.7 weeks old, to UNM, according to documents obtained by the U.S. House panel and referenced in the lawsuit.

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