

Last city abortion clinic could be shut down

Chrissie Thompson and Anne Saker, Cincinnati Published 8:49 a.m. ET Oct. 24, 2014 | Updated 4:02 p.m. ET Oct. 28, 2014



(Photo: Liz Dufour)

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Cincinnati's only remaining abortion clinic (</story/news/politics/2014/08/29/how-many-abortion-clinics-does-ohio-have/14819241/>) received a citation this week from the health department, the first step in a process that could result in the Ohio-Indiana-Kentucky metropolitan area's being the largest in the country without an abortion clinic (<http://archive.cincinnati.com/usatoday/article/3472017>).

The citation marks the latest blow to Ohio's abortion clinics, whose numbers have dwindled from 14 to 8 (</story/news/politics/2014/08/29/how-many-abortion-clinics-does-ohio-have/14819241/>) since the beginning of 2013. That's in part due to a controversial state law (</story/news/politics/2014/02/09/ohio-finds-new-ways-to-make-abortions-harder-to-get/5294899/>) passed last year: Abortion clinics must form agreements with private hospitals to transfer patients in an emergency.

It's a fair rule, abortion opponents say. They don't want taxpayer-funded hospitals to enable abortions through the agreements. Even though any emergency room would accept an abortion patient, having a plan is safer and more professional, they say.

But the law could leave 2.1 million people in the Cincinnati metropolitan area with a drive to Louisville, Columbus or Indianapolis for an abortion. That could put the service out of reach for women who lack access to childcare or who can't afford transportation to another city, said Elizabeth Nash, state issues manager for the Guttmacher Institute, a research group that supports abortion rights.

"This is the type of issue we may end up seeing the Supreme Court wrestling with," she said. "If we're supposed to be evaluating abortion restrictions based on this idea of 'undue burden,' then what does it mean, and does travel play a role in it?"

(<https://www.cincinnati.com/story/news/politics/2014/08/29/how-many-abortion-clinics-does-ohio-have/14819241/>).

For now, the state law has put Planned Parenthood's Elizabeth Campbell Surgical Center in a catch 22. Provide us with evidence of your transfer agreement by some time next week, and you're safe, the Ohio Department of Health said in its citation. If you can't, you may have to close.

But the Mount Auburn abortion provider has been without a transfer agreement since last year, when the Republican-sponsored law went into effect. All of Cincinnati's private hospitals, some of which are religious, have declined to ink the agreement with a clinic.

So more than a year ago, Planned Parenthood asked the health department to grant an exception to the transfer-agreement rule -- a so-called "variance," which is allowed by law. But the clinic never heard back.

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"We have received the letter, and it is accurate in its statement that we do not have a transfer agreement," Planned Parenthood spokesman Rick Pender said. "But what we have pending, for more than a year, is our variance request, which the health department has not acted on."

The clinic has lined up three doctors at a local hospital who would be willing to take patients if necessary, a Planned Parenthood staff member told a health department inspector, according to a report from the inspector. The Enquirer obtained the report and the citation documents through a public records request. (Read them below.)

"I'm flabbergasted that the Ohio Department of Health sent a notice to Planned Parenthood to tell them they don't have a transfer agreement or variance, when ODH has sat on a request from Planned Parenthood to approve a variance for over a year," said Kellie Copeland, executive director for NARAL Pro-Choice Ohio, in a statement. "This is the sort of behavior we expect from political hacks, not public health professionals."

The transfer agreements with hospitals are considered a formality. The health department had granted exceptions in the past, based on a clinic's formal arrangements with individual doctors, instead of with hospitals. But the department recently declined to do so for a Sharonville abortion provider called Women's Med, [which halted abortions in September \(/story/news/politics/2014/08/20/sharonville-clinic-halts-abortions-quits-court-fight/14335199/\)](#) after a court battle.

Gov. John Kasich, whose administration includes the health department, has said: "I just think we need to follow the law. That's what the health department did."

That sets a worrisome precedent for the remaining Southwest Ohio abortion clinics. Both the Planned Parenthood facility in Mount Auburn and a second Women's Med clinic in Dayton lack hospital transfer agreements and are seeking exceptions from the Ohio Department of Health. The Dayton clinic has yet to receive a response from the health department.

"With each passing month, we are seeing Ohio's abortion industry crumble because of their own inability to comply with the law," said Stephanie Ranade Krider, executive director of Ohio Right to Life, in a statement. "Their failure to comply with basic health and safety regulations further demonstrates that Planned Parenthood and Big Abortion do not have women's best interests at heart."

A half dozen people fingered rosaries Friday outside the Mount Auburn Planned Parenthood clinic. Karla Uehlein, who lives on Cincinnati's west side, said she has prayed weekly for the past three years for the clinic to close.

Jan Hoffman of Fort Thomas, said the health department's letter to the clinic could be a turning point.

"It's part of building a culture a life here," he said.

If the Planned Parenthood clinic and the clinic in limbo in Dayton both eventually close, Ohio women could start seeing backups in abortion appointments at clinics in Indianapolis or Columbus, Guttmacher's Nash said. The inspection report, filed in June, said the Planned Parenthood clinic had performed 2,613 abortions in the previous 12 months.

The Sharonville abortion clinic that stopped abortions in September had performed roughly 2,000 surgeries annually. Patients who would have used that clinic now must use Planned Parenthood, the Dayton clinic or a clinic in Columbus.

So far, Planned Parenthood's Columbus clinic isn't backed up. The next available appointment on Friday was Nov. 6.

Ohio law requires women to have a consultation 24 hours before the abortion with the physician performing the procedure. So unless abortion providers started doing consultations in Cincinnati, women would also have to travel for the pre-abortion appointment.

[\(https://www.cincinnati.com/story/news/politics/elections/2014/10/20/ohio-election-affects-love-life-abortion-gay-marriage/17621713/\)](https://www.cincinnati.com/story/news/politics/elections/2014/10/20/ohio-election-affects-love-life-abortion-gay-marriage/17621713/)

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