



Lawyer: Abortions legally performed at Birmingham clinic and state shutdown attempt is politically motivated

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New Woman All Women Health Care facility in Birmingham, Ala., on Wednesday, April 11, 2012. (The Birmingham News / Michelle Campbell)

BIRMINGHAM, Alabama - Abortions are being legally performed at a clinic the state is trying to shut down for operating without a license, according to attorneys representing the facility and facility's doctor.

"It's really bigger than the procedures occurring at this building," said attorney Scott Morro, representing Dr. Bruce Norman. "I think the state of Alabama doesn't want abortion. I think it is an attack on the person that provides the service of abortion."

Howard Miles, the attorney representing the business, All Women's Inc., and the business owner, Diane Derzis, said "they have a different view of the facts and a different view of the law" from the state.

"We'll file a response in the normal course but expect when we make our case they are going to find we are not operating an illegal health care facility." he said.

The state on Tuesday filed a civil complaint asking that New Woman All Women Health Care, 1001 17th St. -- which had its license revoked last year for "serious violations -- be stopped from performing abortions without a license.

But Morro said Norman doesn't need an abortion provider license because he performs a number of abortions that is under the threshold the state requires to be licensed as an "abortion or reproductive health center."

State law says a facility that performs 30 or more abortions per month during any two months of a calendar year requires a license. Doctors performing under that amount don't have to be licensed.

Morro said Norman performs 29 or less abortions per month with one month where he may perform more.

"The issue is not abortion. The issue is what defines a reproductive health care center," Morro said. "But it is clouded by the issue of abortion."

But the law also says that a provider license is required if the "facility holds itself out to the public as an abortion provider by some public means."

The civil complaint said the clinic "is holding itself out as an abortion provider through an operable website."

A website for New Woman All Women has been advertising abortion procedures at the clinic. The **homepage was disabled** this week, but **other pages** can still be viewed.

Morro said the website was part of some of the "remnants" of the old business.

"There is no intention to advertise as a reproductive health center," Morro said. "It is a start-up doctor's office. There may be some remnants of the old clinic."

Brian Hale, deputy general counsel for the Alabama Department of Public Health, which filed the complaint, said the facts will come out in court.

"That'll have to play out in the litigation," Hale said. "I will be interested to see the response they file in the court."

In a consent decree last year, Derzis surrendered her license to perform abortions after the state began revocation hearings. The revocation action came after an investigation found "serious violations," including two patients who had to go to the hospital following an overdose of a drug.

Hale said the state health department is doing its job.

"We are just enforcing our rules and regulations," Hale said. "We had this facility licensed last year. We took action against them and they continued to hold themselves out as an abortion provider. We are just making sure the rules are being followed."

The facility received national attention on Jan. 29, 1998, when a bomb exploded there, killing a police officer moonlighting as a security guard and badly injuring a nurse.

Eric Rudolph is now serving life in prison for that bombing and blasts in Atlanta, including one at Olympic Park during the 1996 Olympics that killed one person.

See the state's civil **complaint here**.

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