

The New York Times | <http://nyti.ms/1nx9Ra9>

U.S.

Texas Abortion Clinic to Reopen After Ruling

By ERIK ECKHOLM SEPT. 3, 2014

An embattled abortion clinic in McAllen, Tex., which was the last provider of abortions in the vast Rio Grande Valley when new state restrictions forced it to stop last fall, will start operating again by this weekend, its owner said Wednesday, after last week's favorable decision by a federal judge.

But whether the clinic, a branch of Whole Woman's Health, and at least a dozen others in the state can remain open for long will be determined by a federal appeals court, which has scheduled a hearing for Sept. 12 in New Orleans.

Responding to an emergency request from Texas officials, the United States Court of Appeals for the Fifth Circuit will decide whether a district court overstepped last week when it blocked key parts of the sweeping abortion law adopted by Texas last year.

Last Friday, Judge Lee Yeakel of the United States District Court in Austin, Tex., ruled that requiring abortion clinics to meet the costly building and staffing standards of ambulatory surgery centers, as the 2013 law required, would place unconstitutional obstacles to women's access to abortion. The requirement, which many medical experts said was unnecessary for patient safety, was supposed to take effect on Sept. 1, and it would have forced about 12 of the state's remaining 19 abortion clinics to close.

In Friday's decision, Judge Yeakel also partly rolled back a rule already in effect, a requirement that abortion clinic doctors have admitting privileges at

local hospitals. That requirement, also described by medical experts as irrelevant to patient safety, has caused more than 20 clinics across Texas to close.

Judge Yeakel said the admitting-privilege rule should definitely not be applied to clinics in McAllen and El Paso. The evidence was clear, he wrote, that the rule had left women in South and West Texas with little practical access to abortions.

Hispanic and low-income women in the Rio Grande Valley, many of them working mothers, have been most affected by the closing of the McAllen clinic, said Amy Hagstrom Miller, chief executive of Whole Woman's Health, in a telephone news conference on Wednesday.

Her organization provides financial aid to low-income women seeking abortions or other reproductive health services. The McAllen clinic used to perform more than 40 abortions per week, said Fatimah Gifford, director of public relations at Whole Woman's Health. Since its closing, she said, her group has helped about 15 to 20 women every week with bus tickets or gas money so they could travel to San Antonio, but "many women are simply left behind."

Whole Woman's Health also announced Wednesday that in September it would open a new clinic in Las Cruces, N.M., serving an impoverished area in the southern part of that state as well as clients from Ciudad Juárez, Mexico.

A version of this article appears in print on September 4, 2014, on page A16 of the New York edition with the headline: Texas Abortion Clinic to Reopen After Ruling.