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Texas abortion providers heed attorney general warning and halt abortions amid coronavirus

Following Ken Paxton’s warning that the governor’s order postponing nonessential medical procedures applies to abortion, many clinics in Texas are weighing their options.



The Whole Woman’s Health clinic in Fort Worth, Texas, on Thursday, November 21, 2019. (Lynda M. Gonzalez/The Dallas Morning News) (Lynda M. Gonzalez / Staff Photographer)

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By [María Méndez](#)
6:46 PM on Mar 24, 2020

AUSTIN -- Across Texas' major cities, clinics were informing patients that abortion services were temporarily unavailable on Tuesday.

The abrupt change came less than 24 hours after Texas Attorney General Ken Paxton warned providers could face fines of up to \$1,000 or 180 days in jail for performing most abortions during the COVID-19 pandemic.

On Monday, Paxton said abortions not necessary to the life or health of a person were included in a Sunday emergency executive order from Gov. Greg Abbott for nonessential medical procedures to be postponed. The order, in full force until April 21, is meant to free up hospital beds and personal protective equipment such as masks as hospitals face shortages amid rising COVID-19 cases.

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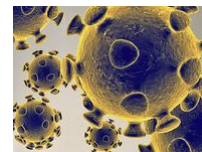
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Paxton's announcement followed one by Ohio's attorney general that deemed

abortions nonessential last week. Planned Parenthood Southwest Ohio **said** it would continue providing abortions under the order.

But, in Texas, many abortion providers had heeded Paxton's warning by Tuesday afternoon. Still, there were a few signs of pushback: One Austin clinic was telling its patients it was planning to sue, and an abortion access fund said it would still help people obtain abortions.

Clinics respond

Florian Trcalek, the medical receptionist at Austin Women's Health Center, said the clinic was not performing abortions but was still booking future appointments in hopes of offering abortions while it fought the ruling in a court.

"We believe abortion is an essential service," she said. "We're hoping we can get a case open so that we can reopen in the time that they're making a decision."

Trcalek said she didn't know when the clinic's lawsuit would be filed but said the clinic hoped to offer abortions again by the end of next week.

Amy Hagstrom-Miller, the CEO of Whole Woman's Health, said in a statement that "patients cannot wait until this pandemic is over to receive safe abortion care." But a

spokeswoman for Whole Woman's Health, which operates clinics in Fort Worth, Austin and McAllen, said the private health care management company was adhering to Paxton's order.

Texas Planned Parenthood clinics did not respond to requests for comment.

Receptionists for other abortion clinics in San Antonio, Austin and Houston said they weren't offering abortion services.

In Dallas, an automated voice machine for the Southwestern Women's Surgery Center said: "Our office is now closed down by the attorney general until further notice due to the coronavirus."

Texas law

Paxton's interpretation will prevent most abortions in Texas from happening for the next month, said Kamyon Conner, executive director of the Texas Equal Access Fund.

That could prevent some individuals from getting an abortion even after the emergency order since Texas law already bans abortions 20 weeks after fertilization unless it is medically necessary or a fetus has severe deformities.

For others, it could make getting an abortion more expensive since costs are often based on gestation and some may now need to travel for the procedure, Conner said.

“Delaying abortion care in the time of a pandemic will force people to seek care other places. It won't stop abortion care,” she said. “It will not do anything to improve the health of our communities, but in fact, jeopardize more vulnerable people.”

The North Texas-based TEA Fund, which provides financial assistance, will continue to operate during the order since it works with providers across the country, Conner said.

Texas could have postponed nonessential medical procedures without halting abortions, said Dr. Abigail Aiken, an assistant professor at the LBJ School of Public Affairs at the University of Texas at Austin. New Jersey, California and Massachusetts have classified abortion as an essential health service during the pandemic, she said.

“There is certainly a strain on the health care system right now. But the vast majority of abortions are not done in hospitals, nor are hospitals involved in any part of the care pathway,” she said. “So allowing surgical abortions to continue in clinics will not affect hospital bed or equipment capacity.”

Delma Catalina Limones of the advocacy group NARAL Pro-Choice Texas said the pandemic also highlights the impact of Texas' already restrictive abortion policies, which don't allow for **medically induced abortion, or abortion through pills**, to be conducted through telemedicine.

“There’s ways for people to access abortion without exposures or use of [protective personal equipment],” she said. “Medicated abortion can be administered via telemedicine and is the standard of care in many other states.”



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