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Texas banned me from providing abortions — using coronavirus as an excuse

The desperation we heard from patients was visceral. Some say they'll go out of state for their procedures.

By **Amna Dermish**

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As the coronavirus has destabilized the lives of millions, some government officials saw a political opportunity. In Texas, our governor and attorney general effectively banned almost all abortion procedures, citing the pandemic, and states including Oklahoma, Ohio and Alabama have taken similar actions. We indeed face an unprecedented public health crisis, one that makes my patients' ability to access reproductive health care especially urgent. But my state officials have suddenly declared that abortion care is not medically necessary. Any doctor who the state claims violated that executive order faces a \$1,000 fine or up to 180 days of jail time.

Abortion is unequivocally an essential procedure. It is also incredibly time-sensitive. In fact, Texas politicians made it more time-sensitive by banning abortion procedures after 22 weeks. Fewer than half of patients eligible for medication abortions when the executive order was issued would be eligible when it's set to expire on April 21, according to a recent study by the Texas Policy Evaluation Project. Coupled with mandatory delays and increased costs, abortion will be entirely out of reach for some, and there will be Texans forced to carry pregnancies to term against their will. And though pregnancy carries health risks even in ordinary circumstances, covid-19 presents additional unknowns. There is little data currently available on how the coronavirus might affect pregnant people, but from past outbreaks, we know that they are physiologically more susceptible to respiratory illness.

In mid-March, patients were asking if they could still get an abortion in a pandemic. At the time, I answered them with total certainty: "Oh, yes. The government has no logical reason to shut us down. I'll see you next week." Then, on March 22, Gov. Greg Abbott (R) signed an executive order mandating that health professionals delay any procedures that are not immediately necessary, so that the state could prepare for coronavirus cases. Still, I told myself that we were in the clear — after all, leading medical experts, including the American College of Obstetricians and Gynecologists and the American Medical Association, had attested to the fact that abortion is essential health care. Little did I know that, on March 23, Attorney General Ken Paxton would expressly state that abortion providers were not exempt from the governor's order.

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I thought about all the patients I'd reassured so confidently and cried for a half-hour, wondering what I would tell them now. What were their options?

March 24 is a day my staff and I will never forget. We spent the day calling up our patients, one by one, to tell them about the state's ban. The desperation, fear and anger we heard from them was visceral. Those are conversations Gov. Abbott will never have to have with the people of his state; that is our burden to carry as health-care providers.

We thought we'd gotten a reprieve this week: On Monday, a federal judge temporarily blocked the order. We immediately started calling up our patients to get them rescheduled; the attorney general immediately vowed to appeal. Patients were relieved; their rush to get into the clinic was frantic. No one knew if or when the order might resume. On Tuesday morning, I went back to providing abortions, seeing as many patients as I safely could. I steeled myself for the protracted legal battle to come. Every patient I saw counted. Time was not on our side.

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By that afternoon, another court had reversed the judge's restraining order, restoring the government's threat to enforce its executive order against doctors providing abortions. More heart-wrenching conversations with patients, more uncertainty for them. My last patient of the day was someone referred to us for a lethal fetal diagnosis. I had to tell her that, even so, her case didn't meet the state's criteria, because her pregnancy didn't sufficiently threaten her life or health.

As a doctor, I take the coronavirus pandemic extremely seriously. Our clinic has done everything we can to reduce risks of infection. We've restructured the physical flow of the space and spaced out appointments to cut down on social contact; we screened patients for covid-19 symptoms and restricted access to patients only. Doctors like me are doing all they can to care for patients while conserving needed resources.

But nothing about the way the state is enforcing this executive order is about conserving resources or putting Texans' health first. Every other health-care provider, in every other field and specialty, has the discretion to decide whether their procedures are permitted under the executive order. Only abortion has been explicitly, categorically, declared unnecessary. Our state officials haven't bothered to hide their agenda: They are taking advantage of an emergency to restrict people's rights.

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Nothing could make this clearer than the fact that Texas is forcing patients to travel out of state, if they can, and try to get abortions there. Already, some patients have told me about plans to fly to Colorado or New Mexico, or drive overnight or longer to where they can get care. Every patient who has to leave the state to get care is at increased risk of being exposed to covid-19, or unwittingly exposing others. At a time when people are across the country are being told to shelter at home to do their share, Texas is forcing them to cross state lines.

Working as an abortion provider in Texas often feels like swimming out from the shore, and trying to keep afloat as water crashes on top of you. As soon as you come up for air, there's another wave that pulls you under. In 2013, I moved to Austin for a job at Planned Parenthood's clinic, just as the state passed a raft of new restrictions. I've since grown used to our state's tiring, predictable pattern: Lawmakers meet; they pass some new law to take away our patients' rights; we sue. By the time the courts finish with that case, the legislature will be back in session again and we start over. This time feels different. This move to cut off abortion access came down so suddenly, and with so little warning, that it knocked the wind out of me and my patients.

The coronavirus has already upended so many lives. Anxiety is in the air. Especially now, people desperately need to be able to make crucial decisions about their health and their future. Imagine finding out that you've been laid off, or that your hours have been cut, or that your small business might go under; imagine learning you no longer have health insurance. Imagine, then, finding out that you're pregnant, or that your pregnancy has an unexpected complication.

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When the government forces someone to carry a pregnancy, it always feels punitive. But under the dire conditions of a pandemic, threatening so many people's well-being, denying access to a safe and essential procedure feels especially cruel.

As told to Post editor Sophia Nguyen.

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Updated April 4, 2020

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