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Texas OB/GYN: My Existence Is In Violation Of The New Abortion Law

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Ahead of Texas' abortion ban going into effect on Sept. 1, NPR's Michel Martin speaks with Dr. Ghazaleh Moayed, an OB/GYN, about what it means for abortion providers and patients there.

MICHEL MARTIN, HOST:

Texas has passed one of the nation's most restrictive abortion bans, and it is just days from becoming law. Barring legal challenges, Senate Bill 8 is set to go into effect on Wednesday. The law signed by Governor Greg Abbott this spring bans abortions as early as six weeks after conception and allows Texans to sue anyone who aids, abets or performs an abortion past that mark. There are no exemptions for cases involving rape or incest.

Doctors and other medical providers around the state have been outspoken in their opposition to the bill. In May, more than 200 Texas physicians signed an open letter saying the bill could, quote, "place physicians at risk of frivolous lawsuits that threaten our ability to provide health care in Texas," unquote. Dr. Ghazaleh Moayed is one of those who signed the letter. She is an OB-GYN and abortion provider in Texas, and she's with us now. Hello, doctor. Thank you so much for speaking with us.

GHAZALEH MOAYEDI: Thank you so much for having me.

MARTIN: As we said, the bill is set to go into effect on Wednesday, barring legal challenges. Putting aside the possibility that it could be blocked, what have you been thinking about as this deadline draws near?

MOAYEDI: So much. It has been nonstop in my mind for the past several months. And the past several weeks have really just been heartbreaking. I've been worried about where people will go and how we're going to get them there.

MARTIN: Well, you know, I was thinking about the fact that last spring at the start of the coronavirus pandemic, Governor Greg Abbott effectively banned abortions with an executive order.

MOAYEDI: Yeah.

MARTIN: And that lasted about four weeks before a federal appeals court ruled that they could proceed. And I was wondering if that experience gave you a sense of what this coming ban could look like.

MOAYEDI: It really did. You know, that day last year, that Monday, when we were shut down, at that time, that was the worst day of my career. I had spent the whole day performing ultrasounds for people, getting them ready for their second state-mandated visit, and telling people I wasn't sure what was going to happen, that we thought the state was going to shut us down, and I wasn't sure when we were going to get them care. And I spent the next several weeks, every night, calling people, telling them it's not today. It's not tomorrow, but we'll let you know when.

MARTIN: Could you talk more about - without compromising their privacy, of course - like, what are some of the other things that patients have been saying to you as this deadline approaches? Is there heightened fear?

MOAYEDI: Yes. People are very afraid. People understand, right? They understand that the abortion that they're having this week, last week, the week before, is something that they wouldn't be able to have next week. They've been asking about it and asking, you know, if I were here in September, would I be able to get this?

And, you know, this is a story I've told often, but a few years ago, when our state legislator was debating a different bill - it was a bill that would give the death penalty to people that got an abortion and to providers who provided abortion, right? - something so extreme. And it didn't make it very far. But I had a patient that week that came in and told me, doc, I know that I'm going to get the death penalty for this, but I need this abortion. That is very real.

MARTIN: We've talked about so far the effect on patients or potential patients. But I want to turn around now to the effect on doctors like yourself. I mean, the law effectively deputizes private citizens to sue anyone who provides, aids or abets an abortion. How do you understand this provision? What do you think it's about? Or what do you think it will mean or could mean?

MOAYEDI: You know, this bill is 100% about putting fear in physicians and putting fear in abortion funds and intimidating us. This law threatens my livelihood. It threatens my ability to care for my family. It threatens my career simply for doing what I was trained to do right here in Texas. You know, I went to medical school here. I went to college here. And I went to residency here. This is my state, too. And it's unbelievable what physicians are - and health care providers, our nurses, our staff are having to endure.

MARTIN: I'm wondering if you feel that this could compromise people's interpersonal relationships. Someone would have to have intimate knowledge of someone's medical condition in order to actualize this, right? I'm wondering if this has the potential to make people afraid of their friends because of - out of fear of discussing something personal and then having it be used against them subsequently. I'm just wondering if that's come up.

MOAYEDI: I mean, very much so. I think that's definitely a fear in people's minds. And I think it's important for people to understand that this law does not come after the pregnant person or the person who has received the abortion or is seeking the abortion. I think that's an important point to make, that this is only directed at those who aid and abet or are providing the abortion care. But, yes, people are worried about who they're talking to, what that's going to be interpreted as. And we don't even need

the other pieces. We don't need anyone's intimate medical knowledge for lawsuits to be brought in this case. That's the most dangerous part.

But this is also about intent - if you intended to aid and abet, if you intended to provide that abortion. And so literally by my existence as an OB-GYN, as an abortion provider, my existence is in violation of this law, even though I plan to comply with it, right? There's a lot of vagueness in this bill that is intentional. And it's intended to cause confusion and chaos in our state.

MARTIN: Tell me again a little bit more about what you said about how you could be sued, even if somebody doesn't have any knowledge of somebody's medical condition - right? - that you could be sued for intending to - how would that work?

MOAYEDI: I have no idea, right? This is so vague. But the law is written in a way that it does not protect against frivolous lawsuits. There are provisions in Texas state court that would prevent someone from bringing a frivolous lawsuit forward. But this bill actually removed those provisions. And so the intent is not necessarily that they're going to win any cases, right? We're - we are complying with the law. But I fully intend to be sued on September 1 because they can still ruin me by bringing forth 100 frivolous cases. And the state has done nothing to stop it.

MARTIN: Well, what are you going to do?

MOAYEDI: I'm going to comply with the law, continue to provide compassionate, evidence-based, expert care. Last year, when the state shut down abortion care because of COVID, I knew that this was not going to be the last time. And I started to become licensed in our neighboring states. And I plan on traveling to take care of Texans wherever they go and wherever they need abortion care.

MARTIN: Are there any particular groups that you're particularly worried about? Is there any particular profile of a patient that you're particularly worried about at this point?

MOAYEDI: Yes, I am particularly worried about the community I come from and the communities I serve. You know, I'm the child of immigrants. I'm a first-generation

American. And I take care of a lot of immigrants. And I also live in a community where I take care of a lot of Black pregnant people and a lot of Latinx pregnant people. And so abortion restrictions disproportionately affect these communities, affect my community and the communities I serve. So we know that after this law goes into effect, the people with the means that are privileged, they are going to be able to leave the state. But the patients that I serve and the communities that I come from, they are going to have the worst outcomes as a result of this bill.

MARTIN: That was Dr. Ghazaleh Moayed. She is an OB-GYN and an abortion provider in Texas. She's a board member with Physicians for Reproductive Health. Doctor, thank you so much for sharing your insights with us here.

MOAYEDI: Thank you so much for having me.

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