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Texas Abortion Clinics Marred with Health, Safety Issues, Inspection Reveals

New reports throw light on poor standards in facilities that fought regulation at SCOTUS

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October 27, 2017 5:00 am

New detailed inspection reports reveal dozens of violations of health and safety standards by Whole Woman's Health (WWH), a chain of abortion clinics that [says \(https://wholewomanshealth.com/\)](https://wholewomanshealth.com/) it is "committed to changing the culture around abortion stigma."

The new documents, inspection reports between 2011 and 2017 from the Texas Department of State Health Services, were obtained by And Then There Were None (ATTWN), a [nonprofit group \(http://abortionworker.com/\)](http://abortionworker.com/) that "exists to help abortion clinic workers leave the abortion industry."



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The documents show a widespread problem of health violations at WWH clinics. Staff failed to properly disinfect and sterilize equipment used on multiple women, and were not properly trained in the sterilization of surgical instruments. In 2011, the Beaumont, Texas, clinic did

not have a registered nurse on staff, in contravention of legal requirements.

The inspector's reports also expressed concerns about maintenance of medical equipment. "There was [sic] numerous rusty spots on the suction machine used on the patient for evacuation of the products of conception," the Beaumont report notes. In multiple cases, supplies and medication were found to be clearly expired.

Facilities themselves were also in disrepair, with floors that were "stained and discolored which gives the appearance of being dirty." A 2016 report on the McAllen, Texas, facility notes a counter so warped it "was no longer a wipeable surface, which could harbor bacteria and infectious matter." The reports also show cracks, rips, and tears on exam tables' covers, and a hole in cabinet flooring that had "the likelihood to allow rodents to enter the facility."

In the most recent report, investigating the Austin facility, investigators found missing stock of fentanyl, the schedule narcotic [linked to \(https://www.washingtonpost.com/graphics/2017/national/fentanyl-overdoses/?utm_term=.ff8fdc155245\)](https://www.washingtonpost.com/graphics/2017/national/fentanyl-overdoses/?utm_term=.ff8fdc155245) thousands of overdose deaths.

These reports are part of broader concerns about the safety standards of abortion clinics. According to [a report \(http://www.lifeissues.org/wp-content/uploads/2017/01/UNSAFEreport.pdf\)](http://www.lifeissues.org/wp-content/uploads/2017/01/UNSAFEreport.pdf) from the pro-life advocacy group Americans United for Life, between 2008 and 2016, 227 abortion clinics, [including six \(http://unsafe.aul.org/wp-content/uploads/2016/12/Unsafe-Chart.pdf\)](http://unsafe.aul.org/wp-content/uploads/2016/12/Unsafe-Chart.pdf) Whole Woman's Health clinics, were cited for over 1,400 health and safety deficiencies. These included failures to ensure a "safe and sanitary environment" and failures to properly handle patients' private information.

"Restaurants and tanning salons and vet clinics, they're all more closely regulated than the abortion industry," said Arina Grossu, a bioethicist and the Director of the Center for Human Dignity at the Family Research Council.

Grossu pointed out how regulators and inspectors often look the other way when investigating abortion facilities. Such was true, Grossu said, in the case of abortion doctor and convicted murderer Kermit Gosnell. Pennsylvania state regulators did not inspect Gosnell's facility, [out of concerns \(https://cdn.cnsnews.com/documents/Gosnell.%2520Grand%2520Jury%2520Report.pdf\)](https://cdn.cnsnews.com/documents/Gosnell.%2520Grand%2520Jury%2520Report.pdf) that inspections would be "putting a barrier up to women" seeking abortions.

"Anyone who cares for women's health and safety should want abortion facilities to be frequently inspected, no matter what their position is on abortion. Because this is a health and safety issue, and just because it has to do with a hot button topic, does not mean that the abortion industry should get a free pass," Grossu told the *Free Beacon*.

Abby Johnson, ATTWN's founder, had previously toured a WWH clinic in Austin, where she documented dirty equipment and what she took to be blood on the walls.

"I was appalled at the state of the Austin Whole Woman's Health. It looked more like a prison than an actual facility where patients went for healthcare. Disgusting does not do it justice," Johnson said.

Johnson, like Grossu, sees these failed health inspections as part of the broader trend of repeated failures of oversight in the abortion industry.

"Laws only matter if they're enforced. And what we see in the abortion industry across the country is that inspections are done, people come in, they're cited for violations, they make a temporary plan to improve, a year later an inspector comes in, they cite them for the same violations, they make a temporary plan to improve ... it's

the same cycle, over and over again," she said.

WWH's violations are of particular note because the group was the plaintiff in a case that went all the way to the Supreme Court in a successful effort to ensure that abortion clinics were not required to meet high medical standards.

In 2013, the Texas State Legislature passed, and then-Gov. Rick Perry (R.) signed, [H.B. 2](http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=832&Bill=HB2) (<http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=832&Bill=HB2>). Among other limits on abortion, the bill imposed (<https://rewire.news/legislative-tracker/law/texas-omnibus-abortion-bill-hb-2-2013/>) requirements that physicians at abortion clinics have admitting privileges at a hospital within 30 miles of the clinic; that they provide a 24-hour contact number for patients to reach them at; and that abortion clinics meet the health and safety standards of [ambulatory surgical centers](http://www.ascassociation.org/advancingsurgicalcare/aboutascs/industryoverview) (<http://www.ascassociation.org/advancingsurgicalcare/aboutascs/industryoverview>), a particular kind of clinic that provides surgeries as an alternative to hard-to-access hospitals.

"If we're going to say that we're for women, and we're for protecting women, then this was sort of a common sense measure," Johnson said.

Johnson, who lobbied for the bill, noted that many of the Planned Parenthood [centers opened](https://www.plannedparenthood.org/files/4314/1311/5011/Planned_Parenthood_will_expand_services_with_new_center_San_Antonio_Express-News.pdf) (https://www.plannedparenthood.org/files/4314/1311/5011/Planned_Parenthood_will_expand_services_with_new_center_San_Antonio_Express-News.pdf) in Texas since the passage of H.B. 2 met the ambulatory surgical center standards voluntarily. However, WWH decided that the health and safety requirements were unconstitutionally burdensome.

WWH brought suit (<https://www.oyez.org/cases/2015/15-274>), alleging that H.B. 2 violated it and its clients' constitutional rights. The state of Texas responded that it was simply trying to ensure the health and safety of its female citizens. That suit eventually came before the Supreme Court which, in a 5-3 decision, agreed with WWH.

"The Texas law called H. B. 2 inevitably will reduce the number of clinics and doctors allowed to provide abortion services.... it is beyond rational belief that H. B. 2 could genuinely protect the health of women, and certain that the law 'would simply make it more difficult for them to obtain abortions,'" wrote Justice Ruth Bader Ginsburg in a [brief concurrence](https://supreme.justia.com/cases/federal/us/579/15-274/concur4.html) (<https://supreme.justia.com/cases/federal/us/579/15-274/concur4.html>).

Justice Samuel Alito, for his part, [warned](https://supreme.justia.com/cases/federal/us/579/15-274/dissent6.html) (<https://supreme.justia.com/cases/federal/us/579/15-274/dissent6.html>) that the court's rush to support abortion rights meant that it failed to adequately investigate the surgical center requirements as anything but a "package," leading to the striking down of obvious and constitutionally sound safety measures.

"Provisions that are indisputably constitutional—for example, provisions that require facilities performing abortions to follow basic fire safety measures—are stricken from the books. There is no possible justification for this collateral damage," Alito wrote.

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