

Why Abortion Rights Groups Fear Ohio's Pro-Life Strategy

When open for business, the single-story, L-shaped brick building in a run-down west Toledo, Ohio, neighborhood is usually targeted by sign-toting protesters pacing the sidewalk across the street while off-duty police patrol the parking lot.

A sign in a neighbor's window reads: "You Shall Not Murder."

Toledo's Capital Care abortion clinic, the only one in this rust-belt city of 285,000, has become the latest front in the national battle over abortion rights, this one centering on a new state law that bars agreements to move women needing emergency care to public hospitals.

Toledo's clinic may have to close because its transfer agreement with a public hospital expired last month and under the new law it cannot renew it.

Abortion clinics in Ohio are required to have so-called transfer agreements with hospitals under which a patient can be admitted in case of complications. In 2011, the latest year for which data is available from the health department, complications arose in 91 of 24,764 abortions performed in Ohio.

The new law passed by Ohio's Republican-dominated legislature in June blocks public hospitals from entering into transfer agreements with abortion clinics. The result is that clinics either must have arrangements with private hospitals, since those with public hospitals are barred, or be forced to close since they would be operating without the required transfer agreement in place.

Eight other states require abortion clinics to have transfer

agreements, including Nebraska and Wisconsin, and abortion rights groups fear Ohio's crack down could be replicated elsewhere.

"This is a brand new idea," said Elizabeth Nash, state issues manager for the Guttmacher Institute, a research group that supports abortion rights. "It wouldn't be surprising if next year we saw this restriction appear in other states."

A renewed push by conservative Republicans to put fresh restrictions on abortion at the state level has resulted in a rash of new legislation over the past two years. New laws have ranged from limits on insurance coverage for abortions to requirements that women considering an abortion undergo an ultrasound test, during which technicians typically are required to point out a fetus' visible organs.

Some states have extended waiting periods for those who seek an abortion, while others have zeroed in on later term abortions.

Ohio's law marks yet another approach. Backers of the legislation say a transfer agreement with a public hospital amounts to indirect support for abortion, paid by many who disagree with it.

"We think it's going to protect taxpayers who oppose abortions," Ohio Right to Life President Michael Gonidakis said.

State Rep. Lynn Wachtmann, a Republican who chairs the House health committee, helped prepare the language for the transfer agreement law, which was included as a provision in the budget bill.

"The real issue with any agreement with a public hospital is the vast majority of the people in Ohio feel that no public funds or public entities should be supportive of the baby-killing industry," said Wachtmann.

Opponents of the law say it will put women's health at risk, and decry it as a maneuver to undermine the Supreme Court's 1973 *Roe v. Wade* ruling establishing the right to abortion. The court has left the states free to place various restrictions on abortion.

Nearly one in 10 abortions performed in Ohio in 2011 was in Lucas County, which includes Toledo, according to the health department. A second abortion clinic in Toledo closed earlier this year.

Capital Care Network of Toledo's agreement with the University of Toledo Medical Center, a public hospital, to transfer patients in case of complications expired on July 31. It cannot renew that agreement under the new law.

Ohio's health director, Theodore Wymyslo, told Capital Care he is proposing revoking the facility's license, and that it has 30 days to request a hearing. His letter was received Aug. 6, and the clinic had not yet requested a hearing as of Friday, according to the department.

"We are seeking a way to stay open," said Dr. Thomas Michaelis, who works at the clinic. "We have lawyers who are working on this out of our main office in Columbus."

Michaelis said if the clinic closes, women in the area will have to travel to Detroit, Cleveland or Columbus for abortions.

Terrie Hubbard, identified by the health department as the owner of Capital Care Network in Columbus, did not respond to requests for comment.

It was not clear if the new Ohio law would affect the state's 11 other abortion clinics, since the measure only directly affects those with transfer agreements with public hospitals rather than private.

Ohio Right to Life's Gonidakis said he does not know of any other abortion clinic tied to one of the state's 18 public hospitals. The health department said it was still reviewing the measure and its impact on the state's clinics.

Abortion rights groups, however, say the impact of the Ohio law could be felt beyond the Capital Care clinic.

"It's just a very shrewd way to close abortion clinics," said Kellie Copeland, executive director of NARAL Pro-Choice Ohio. "This isn't about patient safety—this is about putting barriers between women and a safe, legal medical procedure."

A woman waiting at a bus stop with her infant son near the Capital Care clinic said she had considered making an appointment there when she found out she was pregnant again two months ago. But then she heard the clinic was closing.

"I'm not happy," said the 21-year-old woman, who gave her name only as "Faye." "They made the decision for me."

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