



LOUISIANA
RIGHT TO LIFE
MEDIA PACKET



JUNE MEDICAL SERVICES V. RUSSO

ORAL ARGUMENTS: MARCH 4, 2020

The Louisiana abortion industry, with their long history of health and safety violations, cannot speak for Louisiana women. They must be held to the same safety standards as every other outpatient surgical facility. Let's put patients over profits and protect women.

IN 2014, LOUISIANA RIGHT TO LIFE INITIATED THE UNSAFE ABORTION PROTECTION ACT, THE LAW NOW AT THE CENTER OF THE SUPREME COURT CASE *JUNE MEDICAL SERVICES V. RUSSO*.

For decades, Louisiana Right to Life has listened to the voices of women harmed, both physically and emotionally, by Louisiana abortion facilities. These are the same abortion facilities that have chronically violated state health regulations, from failure to sanitize equipment between abortions to not even having IV fluids on site.

"I was hurt by two Louisiana abortion facilities, both physically and emotionally. The facilities were filthy. I was just a number to them."

-Jeanie Holmes in Hammond, LA

Then, in 2014, Louisiana Right to Life learned of a major loophole within Louisiana health and safety regulations: every physician at outpatient surgical facilities in Louisiana, except abortion facilities, must have "admitting privileges" at a local hospital to protect the health and safety of Louisiana patients in cases of emergency. Louisiana Right to Life responded by bringing the need for the Unsafe Abortion

Protection Act to then State Representative Katrina Jackson (D-Monroe), who filed the bill in the Louisiana Legislature. With legal consultation from Bioethics Defense Fund, Louisiana Right to Life led the efforts to educate legislators with the voices of women and experienced physicians who know the seriousness of the known risks of abortion, such as uterine puncture, cervical tearing and hemorrhage that can threaten a woman's life or reproductive organs.

Now, the Unsafe Abortion Protection Act is at the Supreme Court. With their long history of health and safety violations, the Louisiana abortion industry cannot speak for Louisiana women. They must be held to the same safety standards as every other outpatient surgical facility.

LET'S PUT PATIENTS OVER PROFITS AND PROTECT WOMEN.

Every American, regardless of their stance on abortion, should have an interest in protecting the health and safety of women at abortion facilities. Act 620, a 2014 law passed in Louisiana that is now being reviewed by the Supreme Court in the *June Medical Services v. Russo** case, does exactly that.

IN LOUISIANA,

every physician at all outpatient surgical facilities, except abortion facilities, must have “admitting privileges” at a local hospital. These hospital privileges are common-sense safety protections to ensure that when an emergency happens at an outpatient facility, the physician can handle the complication without any delay by having the patient admitted to a local hospital and following up her care there. No matter how frequently complications occur, these protections are standard and should be universal across all outpatient surgical settings.

In 2014, then State Representative (now State Senator) Katrina Jackson (D-Monroe), together with Louisiana Right to Life, filed the *Unsafe Abortion Protection Act* to close this loophole and put abortion facilities on the same safety standards as all other outpatient surgical facilities. Legislative testimony

focused on the dangerous history of Louisiana abortion facilities, the common-sense nature of admitting privileges through



STATE SENATOR
KATRINA JACKSON

the words of doctors, and personal testimony of women hurt physically and emotionally by abortion.

The Louisiana Legislature passed the Unsafe Abortion Protection Act by an overwhelming margin in both the Louisiana Senate (34-3) and the Louisiana House of Representatives (85-6). Legislators of all backgrounds and political parties represented the majorities in both chambers.

But the abortion industry, more interested in profits than their patients, filed suit to stop the law in court. June Medical Services, the corporation that owns the “Hope Medical Group for Women” abortion facility in Shreveport, has led the lawsuit. June Medical Services sells only abortion to the women who enter its doors.

The Louisiana abortion industry has a long record of shoddy practices that jeopardize the health and safety of Louisiana women. As reported in public documents acquired from the Louisiana Department of Health, abortion facility violations in the state include but are not limited to: failures to verify the medical history of patients, failure to monitor how long or how much nitrous oxide was given to patients, failure to perform or document a physical exam of each patient,

failure to properly store and safeguard medications, failure to have qualified personnel administer anesthesia, failure to properly sterilize equipment, and failure to ensure that single-use IV fluid was used only once.

IN MARCH OF 2019,

a patient at the Baton Rouge abortion facility, Delta Clinic of Baton Rouge, was hemorrhaging due to complications from the abortion, but Delta Clinic did not have IV fluids on site to replenish fluids. Sadly, the woman had to have a full hysterectomy at a nearby hospital.

The track record of these dangerous for-profit businesses makes it clear that they should not be able to represent women against universal health and safety standards.



DELTA CLINIC OF BATON ROUGE

Together, we stand with the real Louisiana women asking for the protections that ACT 620 provides. We ask the Supreme Court to close the loopholes that enable abortion facilities to operate at a lower standard than the rest of the medical field. While we stand united in our desire to protect the unborn child who is violently killed by abortion, we must stand for the women who deserve better than the sub-standard abortion industry.

* Due to the resignation of Rebekah Gee, the former Louisiana Department of Health (LDH) Secretary, the name of the case has been altered to represent interim LDH Secretary Stephen Russo. On April 1, Courtney Phillips will take over as LDH Secretary.

MEDIA AVAILABILITY

Louisiana Right to Life representatives, along with other key Louisianians, are available to be interviewed on the June Medical Services v. Russo case. Contact Louisiana Right to Life at info@prolifelouisiana.org and 1.866.463.5433.

LOUISIANA ATTORNEY GENERAL'S OFFICE

The Louisiana Attorney General's office is independent of Louisiana Right to Life. This is for information purposes only.



Solicitor General
Liz Murrill

In 2016, Attorney General Jeff Landry appointed Liz Murrill as the first Solicitor General for Louisiana. Liz has more than 25 years of experience working in diverse state and federal government legal environments and has experience handling complex litigation, state and federal appeals, and complex government transactions. Liz will be arguing before the Supreme Court on behalf of Louisiana in the upcoming June Medical Services v. Russo oral arguments.



Deanna Wallace,
Communications Office,
Office of the Louisiana
Attorney General

To schedule an interview with either Liz or Deanna, please email aglandrynews@ag.louisiana.gov.

LOUISIANA LEGISLATURE



State Senator
Katrina Jackson

State Senator
Katrina Jackson
(D-Monroe) was
elected in 2019
to represent the
34th Senate

District of Louisiana. Prior to 2019, Senator Jackson served in the Louisiana House of Representatives from 2011-2019. In 2014, Jackson was the lead author of the 2014 Unsafe Abortion Protection Act, the law at the center of the Supreme Court case *June Medical Services v. Russo*.

To schedule a media interview with Senator Jackson, please contact her office at (318) 343-2877 or jacksonk@legis.la.gov.

OTHER AVAILABLE INTERVIEWEES:

Louisiana Right to Life can also facilitate interviews with other relevant individuals, including

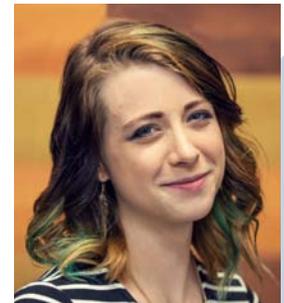
- Post-Abortive Women
- Physicians Discussing Importance of Hospital Admitting Privileges
- Pregnancy Resource Center Directors

LOUISIANA RIGHT TO LIFE

Louisiana Right to Life originally conceptualized the need for the Unsafe Abortion Protection Act and worked with then Representative Jackson to introduce the legislation in the Louisiana Legislature. The following people are available to be interviewed on behalf of Louisiana Right to Life.



Angie Thomas, J.D.
Associate Director



Alexandra Seghers
Director of Education



Amanda Nottingham
North Louisiana
Director
Amanda is located
in Shreveport, the
location of June
Medical Services
"Hope Medical Group
for Women"

"Every American, regardless of their stance on abortion, should have an interest in protecting the health and safety of women at abortion facilities. Our Unsafe Abortion Protection Act, the subject of the upcoming *June Medical Services v. Russo* * Supreme Court case, does exactly that."

**– Angie Thomas, J.D.
Associate Director, Louisiana Right to Life**

OTHER ISSUES SURROUNDING JUNE MEDICAL SERVICES V. RUSSO

RELATIONSHIP TO 2016 WHOLE WOMAN'S HEALTH V. HELLERSTEDT DECISION

IN JUNE OF 2016, the U.S. Supreme Court ruled in *Whole Woman's Health v. Hellerstedt* that a Texas' law requiring abortion facilities to have admitting privileges and other requirements was an undue burden on a women's right to abortion and therefore unconstitutional. However, there are many differences between the Louisiana and Texas law and their impact.

ASC REGULATIONS

While the Texas law, like the Louisiana law, required physicians at abortion facilities to have admitting privileges at a local hospital, the Texas law also required abortion facilities to meet strict ambulatory surgical center (ASC) requirements. Louisiana's law does not include the ambulatory surgical center requirement.

SINGLING OUT ABORTION BUSINESSES

While the Texas law required abortion facilities to follow all ambulatory surgical center laws, it did not require the medical staff at Texas' ambulatory surgical centers to have privileges. Since Louisiana law already required physicians at outpatient surgical facilities to have privileges, there is no singling out of abortion businesses. The Louisiana law merely ensures that abortion facilities meet the same standards as other outpatient surgical facilities.

CRIMINAL PENALTIES

The Texas' law included criminal penalties for violating the law. Louisiana's law is a regulatory matter, only permitting the Louisiana Department of Health to assess fines for violations and other regulatory measures.

GEOGRAPHY AND IMPACT

The geography of Texas and the number of abortion facilities closing as a direct effect of the Texas law made a significant difference in the impact of the Texas law. Since Louisiana is a smaller state, and fewer abortion facilities would close as a result of the law, the impact of the law differs from Texas. The 5th Circuit, for this reason, felt the Louisiana law was not an undue burden on a woman's right to an abortion.

"I've counseled hundreds of Louisiana women over the past 30 years and heard the same stories, just like my story, of harsh treatment, no doctor patient relationship, shoddy medical care, hemorrhaging and having to go to the ER for medical care and other injury caused by abortion practitioners. Women hurt by abortion have been told to shut up and keep silent. It's time for our stories and our voices to be heard."

- Cindy Collins, Louisiana Abortion Recovery

LOUISIANA ABORTION FACILITIES AND THEIR HISTORY OF ABUSES

The Louisiana abortion industry has a long record of shoddy practices that jeopardize the health and safety of Louisiana women. As reported in public documents acquired from the Louisiana Department of Health, abortion facility violations in the state include but are not limited to:

- failures to verify the medical history of patients
- failure to monitor how long or how much nitrous oxide was given to patients
- failure to perform or document a physical exam of each patient
- failure to properly store and safeguard medications
- failure to have qualified personnel administer anesthesia
- failure to properly sterilize equipment
- failure to have IV fluids on site in cases of emergency

In March of 2019, a patient at the Baton Rouge abortion facility, Delta Clinic of Baton Rouge, was hemorrhaging due to complications from the abortion, but Delta Clinic did not have IV fluids on site to replenish fluids. Sadly, the woman had to have a full hysterectomy at a nearby hospital.

The history of Louisiana abortion facilities reminds us that the state of Louisiana must take action to ensure that common-sense and universal standards are in place, including admitting privileges at a local hospital.

LOUISIANA'S CROSS PETITION ON THIRD-PARTY STANDING

In addition to considering the merits of Louisiana's admitting privileges law, *June Medical Services v. Russo* will also take up Louisiana's challenge to the third-party standing of abortion providers to bring legal challenges against health and safety regulations. The evidence of Louisiana abortion clinics' poor safety records, inadequate credentialing practices, and questionable efforts to undermine health and safety regulations shows that the abortion clinics' interests are directly adverse to the interests of Louisiana women. In addition, the lack of virtually any "doctor-patient relationship" at abortion facilities invalidates the abortion industry's claim that they are speaking on behalf of Louisiana women. Incompetent and unsafe providers should not be allowed to challenge health and safety standards designed to protect women from those very providers.

"Without any form of counseling or doctor-patient relationship, I entered the room for the abortion procedure. I never met the doctor until that moment, and never saw him again. There was no pre or post-procedure visit or physical examination, and there was never any support offered. They never had my best interest in mind."

**-Ashley Steinhauer,
APRN-CNP Covington, LA**

The Supreme Court's review of the ability of abortion providers with histories of troubling health and safety violations being able to challenge state safety laws under the principle of 'third party standing' is of momentous legal importance. If the Court limits that practice, the volume of baseless litigation against abortion-related laws would significantly decline. If Louisiana succeeds in its 'third party' issue, real women would have to sue, not abortionists with a pecuniary interest.

OTHER LOUISIANA OUTPATIENT SURGICAL FACILITIES REQUIRED TO HAVE PRIVILEGES AT AT LOCAL HOSPITAL

In Louisiana, all ambulatory surgical facilities (ASC) that perform outpatient surgery must have a physician on staff with hospital privileges (§4541 of Title 48 of the Louisiana Administrative Codes). Abortion facilities, which perform outpatient surgery as well, should not have loopholes when it comes to the health and safety of Louisiana citizens.