

Enforcement of Abortion Providers

[We] promote a culture of life by supporting laws and programs that encourage childbirth and adoption over abortion and by addressing poverty, providing health care, and offering other assistance to pregnant women, children, and families. (*USCCB, Forming Consciences for Faithful Citizenship*)

Church teaching

- ★ It must in any case be clearly understood that whatever may be laid down by civil law in this matter, man can never obey a law which is in itself immoral, and such is the case of a law which would admit in principle the liceity of abortion. Nor can he take part in a propaganda campaign in favor of such a law, or vote for it. Moreover, he may not collaborate in its application. It is, for instance, inadmissible that doctors or nurses should find themselves obliged to cooperate closely in abortions and have to choose between the law of God and their professional situation. (*Congregation for the Doctrine of the Faith, Declaration on Procured Abortion*)
- ★ As well as the mother, there are often other people too who decide upon the death of the child in the womb...Doctors and nurses are also responsible, when they place at the service of death skills which were acquired for promoting life. But responsibility likewise falls on the legislators who have promoted and approved abortion laws, and, to the extent that they have a say in the matter, on the administrators of the health-care centers where abortions are performed. (*Pope John Paul II, The Gospel of Life*)
- ★ Since the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable. Direct abortion, that is to say, abortion willed either as an end or a means, is gravely contrary to the moral law...Formal cooperation in abortion constitutes a grave offense. (*Catechism of the Catholic Church, 2271, 2272*)

Resources

- ★ **Texas Catholic Conference** Abortion page (www.TXcatholic.org/abortion.asp)
 - ★ **US Conference of Catholic Bishops** Abortion page (www.USCCB.org/prolife/issues/abortion/)
 - ★ **Second Look Project** (www.SecondLookProject.org)
 - ★ **National Catholic Bioethics Center** The NCBC conducts research, consultation, publishing and education to promote human dignity in health care and the life sciences, and derives its message directly from the teachings of the Catholic Church (www.NCBCenter.org)
 - ★ **Pontifical Academy for Life** (www.AcademiaVita.org)
- (Last updated August 5, 2008)

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The Texas Catholic Conference supports applying ambulatory surgical center standards to all abortion clinics, which would include a mandatory state inspection of abortion clinics once every three years. Regular inspections would identify a clinic's compliance with the law and allow any violations to be dealt with accordingly.

Texas law provides minimum standards for abortion facilities regarding physicians and staff, sanitary and hygienic conditions, equipment, and clinical records, in addition to reporting requirements. Abortion facilities may be inspected at "reasonable times as necessary to ensure compliance" with the law (Health and Safety Code, Chapter 245).

According to the Texas Department of State Health Services, there were 11 instances of abortion facility violations that resulted in enforcement actions between November 2000 and October 2007.ⁱ Two abortion facilities were in violation of the law twice in the 7 year period. Facility violations ranged in nature and included allegations relating to:

- Failure to have a safe and sanitary environment that is properly constructed, equipped, and maintained to protect the health and safety of patients and staff at all times.
- Failure to ensure that personnel, whose job descriptions and/or job duties required providing direct patient care, were currently certified in basic life support.
- Failure to have licensed nursing staff at the Facility.
- Failure to enforce its infection control policy/procedures related to the storage of sterilized surgical instruments.
- Failure of the Facility's quality assurance committee to monitor infection control and/or address post procedure infections.
- Failure to develop, implement and enforce personnel policies related to patient rights and duty to report child abuse.
- Failure of the facility to obtain the required Texas pharmacy license to distribute medication.
- Failure to ensure that abortions were not performed on female minors without parental notification or consent.
- Failure to comply with federal laboratory requirements when the Facility had expired lab tubes available for patient use.
- Failure to ensure the Quality Assurance committee performed a periodic review of any post-abortion complication(s), in accordance with facility policy/procedure.
- Failure to have a midlevel provider, a registered nurse, or licensed vocational nurse, and at least two other staff members, as part of the Facility's quality assurance committee.

Several abortion clinics nationwide have been suspended or closed due to violations. In April 2007, a clinic in New Jersey was closed after a woman fell ill and had to go to the hospital after having an abortion. Inspectors from the New Jersey health department went to the clinic and cited violations related to infection control, instruments, and equipment used for sterilizations, according to the New York Times. The clinic had been closed previously in 1993 after the death of a college student whose uterus was punctured during an abortion.ⁱⁱ

ⁱ "Health Facility Licensing and Compliance Enforcement Actions." Texas Department of State Health Services. 30 Oct. 2007. <http://www.dshs.state.tx.us/hfp/pdf/abortion_enforce.pdf>.

ⁱⁱ Fahim, Kareem. "New Jersey Clinic Is Closed, a Month After a Woman Who Had an Abortion There Fell Ill." The New York Times. 2 Mar. 2007. <<http://www.nytimes.com/2007/03/02/nyregion/02abort.html#>>.