



## The Texas Independent

Texas state Capitol (Flickr/Mike Disharoon)

# After group's allegations, Texas health department defends regulation of abortion clinics

Spokesperson: AG lacks jurisdiction over many of the complaints

By [Mary Tuma](#) | 03.02.11 | 6:18 pm

Anti-abortion rights group Operation Rescue turned over to the Texas Attorney General the results of an investigation containing scathing allegations against a set of abortion providers in the state. An AG spokesperson said it doesn't look like the AG has jurisdiction over many of the complaints, while one of the accused abortion providers said state health inspectors have already deemed the accusations as "unfounded."

For legal reasons, Texas Department of State Health Services officials could not comment on the specific situation. However, press officer Carrie Williams said, "We are well aware of the allegations made by Operation Rescue and can assure the public we investigate each and every complaint thoroughly. Abortion facilities are one of the most highly regulated centers in the state and receive very few complaints overall. We inspect these facilities every year to ensure they are held to high standards."

OR held a news conference at the state Capitol on the same day House lawmakers were debating legislation mandating sonograms before abortions. The House eventually decided to delay a vote until Thursday.

AG communications director Jerry Strickland said, "We have received information from the group. However, on an initial review of the report, it appeared that the Office of the Attorney General lacks jurisdiction over many of the issues in the report."

Strickland said the AG would forward materials to the appropriate entities — to whom exactly will be determined as part of the review.

“If those entities substantiate violations, then we as lawyers for the state would accept referral for action pursuant to state law,” he said.

In addition to the AG and health officials, OR said it is filing complaints with the Texas Medical Board and Texas Commission on Environmental Quality. The group also sent each state legislator a copy of the report.

During a news conference today, OR president Troy Newman challenged the report targets and naysayers of the findings to pursue litigation against them immediately.

“If someone thinks that our allegations are not factual and believes they have evidence to disapprove us, let’s go to court,” Newman said. “Let’s put all the facts in front of a judge and jury. I look forward to any challenge.”

“Come and sue us,” Newman urged abortion providers in an interview following the conference. “I double-dog dare you.”

One of the centers in the report, Whole Women’s Health, has already [disputed the claims](#) presented by OR, who are accusing a dozen of the state’s abortion providers of breaking state and national law. The report, compiled from December 2010 to February 2011, lists the names of abortion doctors investigated alongside their alleged abuses and where they work.

Targets include five Whole Women’s Health Centers, a Planned Parenthood center in San Antonio and women’s clinics in Dallas and El Paso. Allegations include the illegal disposal of biomedical waste, illegal disposal of controlled substances, carelessness with patients’ confidential medical information, abuse of Texas’ ‘informed consent’ laws, and ‘a pattern of willingness to help minors evade parental consent laws and ignore the mandatory reporting of child sex abuse,’” according to the report, which can also be found on the group’s website, [www.operationrescue.org](http://www.operationrescue.org). (*Website contains graphic images.*)

Group representatives said they will release more audio and multimedia evidence of the allegations soon.

During the investigation, OR sent a team of about 10-15 women undercover to abortion providers. Two of them, ages 22 and 19, spoke about the four weeks spent covertly soliciting the assistance of abortion facilities in four Texas cities — Austin, San Antonio, Dallas and Fort Worth. Under false pretenses, changing information such as age, name and aesthetics such as hair color, the girls said they were “treated like sales” and “exploited to the fullest extent.” Many of the females were a part of Survivors of the Abortion Holocaust, a California-based anti-abortion rights group of college and high school women born after Roe v. Wade, said Ashley Colantuone, a member and undercover participant.

When asked if the group had any ethical qualms, both Newman and Colantuone voiced confidence in the clandestine process they took to reveal what they consider “shocking abuses.”

Newman’s stated legislative priority is to “end all abortion,” and referenced the organization’s efforts in teaming up with Americans United for Life in support of legislation in the Iowa House and Senate that would stop telemedicine abortion procedures by Planned Parenthood, as also reported by our sister site the [Iowa Independent](#).

AUL is also the group behind efforts to enact ‘justifiable homicide’ statutes that could encourage violence against abortion providers, according to [Mother Jones](#). (The [Iowa Independent](#) reported on related legislation in Iowa.)

Calling Texas’ proposed pre-abortion sonogram bill, “necessary legislation,” OR legal counsel Brian Chavez said the bill does not go far enough, taking issue with its lack of enforcement.

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