



January 28, 2015

Department of Health & Hospitals
P. O. Box 629
Baton Rouge, LA 70821-0629

Re: Abortion Licensing Standards proposal

To Whom It Concerns:

The ACLU of Louisiana opposes the proposed Abortion Facilities Licensing Standards. As written, this complete overhaul of the licensing standards appears to be simply an attempt to shut down legally operating healthcare facilities, and to prevent others from opening.

Like all medical providers, abortion providers in Louisiana already adhere to numerous state and federal regulations to ensure patient health and safety. According to the Centers for Disease Control, abortion is a safe medical procedure with a 99% safety record. These proposed regulations will have no effect on the safety of patients for what is already one of the safest medical procedures available. They are, instead, intended to be burdensome and punitive to clinics and to the women they serve.

For example, there is no justification for obtaining the private medical records of patients who receive care from abortion providers, particularly where the proposed regulations allow - indeed, require - unannounced inspections, without providing protections for patients seeking constitutionally protected medical services. Without specific medical need to obtain the records of a particular individual, patients must be ensured that the care they seek will remain a matter of privacy between themselves and their doctor. Invading patient privacy will do nothing to enhance care, but it may deter patients from seeking that care. These regulations could jeopardize private patient information, even if that information is wholly irrelevant to the state's review of a particular clinic or the state's review concerns matters unrelated to patient health and safety.

Furthermore, the proposed regulations inappropriately target abortion clinics more harshly than other health care facilities. For example, the proposed regulations require the department to "conduct complaint surveys when a complaint is lodged against an outpatient abortion facility in accordance with R.S. 40:2009.13 et seq." State law protects all other health care facilities against unfounded complaints intended to harass health care providers, stating that "[t]he office of the department assigned to investigate the report shall review the report and determine whether there are reasonable grounds for an investigation" and prohibiting investigation if it's determined that the report was not made in good faith or is outdated or trivial. (La. Rev. Stat. Ann. § 40:2009.14.) In contrast, the proposed regulations remove abortion clinics from the existing protections against unfounded complaints, requiring the state to make unannounced "complaint surveys" based on any complaint, regardless of whether the complaint was made in good faith or it outdated or trivial - even if the complaint was intended solely to harass the clinic and disrupt services.

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Women and families in Louisiana deserve better. They deserve access to medical care, to know that their right to a safe and legal procedure will not be denied, and to know that their privacy will be protected.

We urge DHH to stop its targeted attacks on abortion providers and on the women of Louisiana, and to revise or rescind the proposed regulations to ensure that the rights of Louisianians are protected.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marjorie R. Esman".

Marjorie R. Esman
Executive Director

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