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New Investigation Reveals Extensive Politicization of Abortion Regulation Process

Attorney General's office said to have ignored medical expertise

Richmond, Va. – The Virginia Coalition to Protect Women's Health issued the following statement in response to a new AP investigation revealing that Attorney General's office politicized the abortion regulation process in order to limit access to safe, legal abortion services. Apparently, the Attorney General's office intervened in the regulation drafting process to impose medically irrelevant requirements rejected by the Department of Health's appointed medical committee.

"As a coalition of women's health providers and advocates, we are shocked at the degree to which the McDonnell administration has chosen to ignore the recommendations of medical experts to push its own politicized agenda.

"Politics – not public health – is the driving force behind the regulations, which are clearly part of an unprecedented political campaign at the state and federal levels to undermine women's access to safe, legal reproductive health care services.

"We are truly dismayed to learn of the state's hypocrisy in convening a panel of medical professionals, and then rejecting their advice when it didn't advance the state's goal of shutting down abortion providers. Not only does this demonstrate that the Attorney General's office has no regard for women's constitutional right to reproductive choice, but it also shows disdain for the rulemaking process and disrespect for medical professionals who volunteered their time and expertise to uphold patient health.

"With this injustice brought to light, it is incumbent upon the governor to reject the current regulations."

Last spring, state legislators passed a law that allowed for the promulgation of temporary abortion regulations. These regulations single out women's health centers as part of an unprecedented political campaign to undermine women's access to safe, legal reproductive health care services. In accordance with the law, the Department of Health convened a medical committee to create the draft regulations. This group, comprised of OB/GYN department chairs from hospitals around the state, including those who are personally pro-choice and personally anti-choice, worked with the Department of Health to create proposed regulations. After extensive review of materials from the American Congress of Obstetricians and Gynecologists, Center for Disease Control, World Health Organization, and other public health organizations, as well as regulations implemented in other states, the committee agreed on proposed regulations.

According to the AP article, the recommendations that the medical committee and Department of Health developed together were quite different than what the Department of Health ended up releasing, and it appears that the committee's recommendations would have likely enabled most health centers to remain open.

Specifically, the regulations that were proposed by the medical committee were based in sound science and written to:

1) stipulate that the new construction physical requirements would not apply to existing health centers (grandfather in). (Notably, other Virginia regulations of health care facilities or buildings take into account the differences between existing and new construction and have never required existing facilities to meet the same standards as newly built facilities); and

2) exclude oral medication abortion from the definition of abortion for the health center requirements.

As a result of the politicization of the process, unless amended, women's health care centers would have to come into compliance with the architectural requirements temporarily and then be forced to comply with potentially different architectural requirements shortly thereafter through the permanent regulatory process that will begin next year.

Even health centers that only provide oral medication abortion would be forced to overhaul buildings for medically unnecessary reasons.

If Governor McDonnell does not reject the proposed regulations, there is no question that these draft regulations will reduce or eliminate patient access to health care. Some health centers may be forced to close their doors, while other centers may be forced to pass along increased expenses to their patients in order to remain in operation, which could make reproductive health care too costly for many women.

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The Virginia Coalition to Protect Women's Health is a statewide coalition of health care providers and women's health advocates formed after the legislation targeting women's reproductive health care centers was passed into law.