

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PLANNED PARENTHOOD OF GREATER TEXAS)
SURGICAL HEALTH SERVICES, and on behalf of)
its patients and physicians, *et al.*,)

Plaintiffs,)

v.)

GREGORY ABBOTT, Attorney General of Texas, in)
his official capacity, *et al.*,)

Defendants.)

CIVIL ACTION

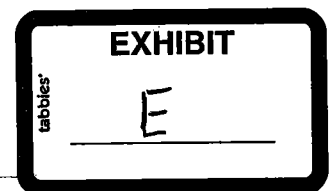
CASE NO. 1:13-cv-862 LY

DECLARATION OF ANGELA MARTINEZ

Angela Martinez declares and states the following:

1. I am the Clinic Director of Planned Parenthood Women's Health Center (PPWHC) in Lubbock, Texas. In this capacity, I am responsible for the day-to-day operations of PPWHC's health center located in Lubbock. I interact with our patients every day, both in reviewing their financial situations to see if they are eligible for assistance and in conducting the patient education portion of the informed consent process. I also supervise staff members who are engaged in these activities.

2. I provide this declaration in support of Plaintiffs' Motion for a Preliminary Injunction against enforcement of 1) Texas House Bill 2's (H.B.2) requirement that all physicians who perform abortions "have active admitting privileges at a hospital that is located not further than 30 miles from the location at which the abortion is performed or induced [] and provides obstetrical or gynecological health care services"; and 2) H.B.2's requirement that "abortion-



inducing drugs” only be provided by a physician in a way that “satisfies the protocol tested and authorized by the United States Food and Drug Administration [FDA] as outlined in the final printed label of the abortion-inducing drug.”

3. Planned Parenthood Women’s Health Center provides surgical abortions up to 12 weeks (as measured from the first day of the woman’s last menstrual period (LMP)) and medication abortions through 63 days LMP. Among our patients who are less than 63 days pregnant, about 48 percent choose a medication abortion. At this time, the physician who provides those services lives in Houston, where he can also see patients, and flies in once a week to provide services for two days at a time.

4. We are the only remaining abortion provider in west Texas, except in El Paso, which is approximately 350 miles away. The next closest providers to Lubbock are in Fort Worth, Austin, Waco, and Killeen, each of which is 300 to 400 miles away, as providers in Midland, Abilene, and San Angelo have all closed in recent years. Since these clinics closed, we have been inundated with patient calls. We currently are scheduling patients up to a month in advance, although we try to accommodate patients who need to come sooner.

5. The majority of women who seek our abortion services are low income. Nearly half of them qualify for private financial assistance because their income is below the federal poverty line. Most are parents, and many must travel over 100 miles to reach us. They often have trouble obtaining use of a car and the resources to pay for gas, permission from their employer to take the necessary time off, and/or childcare. Many of those who do not live more than 100 miles from an abortion provider are already struggling to meet Texas legal requirements that they come to the clinic to receive counseling and an ultrasound 24 hours prior to their procedure. Patients frequently cancel appointments at the last minute because the arrangements they made fell

through, and often we have to refer these women elsewhere because their pregnancy is, or is soon to be, past 12 weeks.

6. If a woman comes to us who is more than 12 weeks pregnant, we inform her of the nearest provider who can help her, which may be up to five hours away. Many times, I have heard from a patient that this additional distance (on top of all the other hurdles) will make it impossible for her to obtain an abortion.

7. If H.B.2 goes into effect, we will be forced to cease providing abortion services altogether because we will be unable to hire a physician with admitting privileges within 30 miles of our health center, as the law requires. There are only two hospitals within that area that provide obstetrical or gynecological services: a university hospital and a Catholic hospital. We reached out to the university hospital, and were informed that it only grants privileges to providers who teach and do regular rounds. This would not be possible for our physician, who is in Lubbock only two days per week. Similarly, the Catholic hospital requires providers to reside locally. (Even if this requirement were flexible, and I have no reason to think that it is, this hospital is part of an organization that is publicly and actively opposed to abortion.)

8. There is another hospital nearby that provides limited services. It is not clear to us whether this hospital provides obstetrical or gynecological services as H.B.2 requires, but at any rate, we have attempted to reach out to it, and have received no response.

9. Nor is there any possibility that we could find a local physician. Lubbock is a small and very conservative community. Anti-abortion protesters harass health center employees every day the center is open. They shout insults at us every day, take pictures of us (and take down license plate information), refer to employees by name, and have protested outside employees' homes and posted pictures of employees online with their names. Because physicians are the

biggest target of antiabortion harassment and violence, I cannot imagine a local physician being willing to risk his or her safety in this way. Indeed, I am unaware of any Lubbock physician ever having performed abortions. Our site is the only location that I am aware of where abortions have been offered in Lubbock, and for the time it has been a Planned Parenthood facility, as well as for decades before, the physicians who performed abortions have travelled here from another part of the state, most frequently from Dallas.

10. I also understand that H.B.2 may limit medication abortions in the state to through 49 days LMP and require that, to obtain a medication abortion, a woman make four trips to the health center (the second and third of which must be two days apart), each time seeing a physician, within a two-week period. As a practical matter, there is no way we could meet these requirements because, as mentioned above, our physician can only be here once a week for two consecutive days. Therefore, even if we had a physician with admitting privileges within 30 miles of our health center (which we do not and will not), H.B. 2 will separately force us to stop offering medication abortions, a procedure which approximately 48 percent of our patients choose.

11. In sum, the medication abortion restrictions in H.B.2 would force us to cease offering that type of abortion, and the privileges requirement in H.B.2 would force us to cease providing abortion services altogether. Because we are the sole remaining provider between El Paso and I-35, the result would be that many women would have to drive hundreds of miles further to obtain an abortion. Based on my familiarity with our patients and their already-difficult situations, I believe that this change would be extraordinarily difficult for almost all of our patients, and could prevent many of them from obtaining an abortion at all.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 27, 2013


Angela Martinez