



Federal Judge Strikes Down Virginia “Physicians-only” Abortion Rule

On Monday, U.S. District Judge Henry E. Hudson struck down a 1975 Virginia law that requires abortions to be performed by licensed medical doctors only. Judge Hudson contends that despite the law’s intent to protect women, it is “unnecessary” and “unduly burdensome” on women seeking abortions.



The “physician-only” law prohibits advance-practice clinicians and physicians assistants from performing first-trimester abortions. Opponents of the law argue that first-trimester abortions are simple and safe enough to be performed without a physician, but supporters of the law contend that the on-site presence of a licensed physician is necessary to ensure the health and safety of the woman having the abortion.

Judge Hudson heard arguments from the state of Virginia that the burden on patients and doctors was small and did not outweigh the medical benefit to having physicians involved in all abortions. “The aspiration procedure takes their physicians only about ten minutes to complete,” attorneys for the Virginia Department of Health argued in one motion. “A medication abortion requires even less physician time, and can be done via Skype — meaning that the physician does not have to be in the same room (or even the same city) as the abortion patient.”

But Judge Hudson, a George W. Bush appointee best known for his ruling in 2010 that ObamaCare’s individual mandate was unconstitutional, sided with the abortion advocates, asserting the law provides “minimal medical benefits with respect to first trimester abortions.”

Judge Hudson ruled in part against the law on the grounds that a “consensus appears to have evolved that first trimester abortions, which typically require only medication, do not require the onsite presence of a licensed physician and [the rule] is consequently unduly burdensome.”

Despite these claims, however, medication-induced abortions continue to pose [health risks](#), including hemorrhaging, infection/sepsis, incomplete abortions, uterine rupture, and possibly death, and the complications are magnified the further along a woman is in her pregnancy, especially for an incomplete abortion.

According to the website [AbortionProcedures.com](#), a first trimester D&C (dilation and curettage; sometimes called DVC, or dilation and vacuum curettage) abortion is also not without risks. These include injury to the uterus or cervix; damage to intestines, bladder, and nearby blood vessels; hemorrhage; infection; and even death. The website explains,



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D&C abortions have been known to cause damage to the uterus or cervix, which can result in very premature births with the next pregnancies. The subsequent scarring to the uterus may increase the risk of uterine rupture during future pregnancy, which may result in death of the baby and even the mother. In addition to an increased risk of preterm birth, damage to the lining of the uterus can also cause additional problems for the woman during future deliveries, including significantly higher risk of hemorrhaging.

And yet abortion advocates claim the law has served no purpose except to restrict abortion access to women in Virginia for more than 40 years. “This decision will change the abortion care landscape in Virginia,” said Jenny Ma, an attorney at the Center for Reproductive Rights litigating the case. “More medical professionals will now be able to provide abortion care, which means more women will be able to access this constitutional right. We are challenging these laws in several other states and hope those courts will follow Virginia’s lead.”

The *Washington Post* notes that Judge Hudson’s ruling marks the first time that a federal judge has reached that conclusion.

“Virginia is the first one to really break ground here,” said Ma. “It’s truly a landmark ruling.”

WTVR reports that the ruling takes effect immediately. Abortions in Virginia can now be performed by nurse practitioners, midwives, and physician assistants with training in abortion procedures.

WCVE News reports that the “physicians-only” dispute is part of a larger lawsuit challenging four state regulations on abortion providers. The Center for Reproductive Rights is also challenging a Virginia law that requires women to be offered the chance to see an ultrasound of her unborn baby before her abortion, one that requires all second-trimester abortions to be performed in a hospital, and another that requires a 24-hour waiting period between informed consent and the abortion. The trial over these laws is scheduled for May 20. “The abortion industry continues to seek new ways to increase the number of unborn children killed before they are born,” observes Victoria Cobb, leader of the pro-life Family Foundation.

The pro-abortion group is also challenging “physician-only” laws in Mississippi, Arizona, Kansas, Montana, and Louisiana, the *Post* reports. Life News reports that approximately 40 states have similar “physician only” laws in place, though many of them are currently undergoing legal challenges.

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