

Abortion curbs might be eased

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The sponsor of legislation banning public funding of abortions says he is willing to amend the law. Touched by the story of a Roy couple forced to go to a Salt Lake City abortion clinic to terminate a pregnancy in which the fetus would not survive because its organs developed outside its body, Provo Republican Sen. Curt Bramble says he will work with doctors and hospital officials to change the law to avoid another "tragedy."

Glen and Suzie Combe came forward last week after doctors at McKay-Dee Hospital refused to end her 19 1/2-week pregnancy because of Bramble's legislation. The Combes went to the Utah Women's Clinic instead.

"There was no intent in this bill to create the problem that Mrs. Combe faced," Bramble said Wednesday.

The law, which took effect May 3, cuts off public funding to any agency that performs abortions except in cases of rape, incest or severe damage to a "major bodily function" of the mother. Fearing the loss of Medicaid and Children's Health Insurance Program reimbursements, Utah hospitals have stopped performing the rare procedures.

Hospital administrators welcomed the possibility of a change in the law.

"It's important to amend the bill to include an exception for lethal fetal deformity," said Kim Wirthlin, University of Utah associate vice president for health sciences.

Meantime, attorneys for the Utah Department of Health are drafting rules for interpreting the law that might allow hospitals to distinguish the money spent on such terminations from other hospital procedures to prove public funds are not used.

"We're hopeful that the rule will provide additional guidance and perhaps a safe harbor," said Doug Springmeyer, assistant attorney general. "That would then open the door for hospitals to choose to recommence that service."

Bramble says he will work with Steven Clark, medical director of LDS Hospital's Maternal and Fetal Medicine Program, to draft amendments that could be adopted soon -- perhaps at a special session. The senator says he is willing to tweak the so-called "health" exception for mothers and include an exception for fetal "anomalies."

"Should we have had that in there? Hindsight is 20/20," Bramble said.

Wednesday, Gov. Olene Walker said she would consider placing the issue on a special session agenda if lawmakers bring it to her.

During the 2004 Legislature, doctors and hospitals -- including Clark -- warned lawmakers of the potential problems with the bill after it already had passed the state Senate. Bountiful GOP Sen. Sheryl Allen proposed an amendment on the House floor in February allowing an exception for fetal defects "generally considered to be lethal within 72 hours." But House sponsor Morgan Philpot said the amendment created a "loophole" and representatives approved the law the way it was.

"They just didn't want any exceptions," Allen said.

In April, Bramble said he was not comfortable defining fatal fetal defects, calling that exercise a "slippery slope."

Now, Bramble blames the medical community for lawmakers' apparent oversight.

The bill was sponsored by other legislators last year -- without an exception for the mother's health -- and no doctors raised the issue of fetal anomalies, Bramble said. He insists he could have included an exception for fatal fetal deformities if he had learned of the problem sooner. And he says he supported Allen's amendment.

"It was already out of my stewardship. The bill had passed from beyond the point where I could have any influence. I couldn't control what happened in the House," Bramble said.

Wirthlin says she notified Bramble of the fetal deformity problem "as soon as I learned of it. There was no waiting, no delay."