



October 6, 2021

Texas Medical Board
P.O. Box 2018
Austin, TX 78768-2018

RE: Complaint against Alan Braid, TX Medical License Number E3654 (New)

Ladies and Gentlemen:

I received a letter from the Texas Medical Board dated September 29, 2021, dismissing my previous complaint against Texas physician **Alan Braid**, who is licensed to practice medicine in the State of Texas under Medical License Number E3654.

Braid is the operator of the **Alamo City Surgery Center**, located at 7402 John Smith Drive, #101, San Antonio, TX 78229. The Alamo City Surgery Center is an abortion facility licensed in Texas under Provider Identification Number 130238.

Am submitting this new complaint with information that should clarify misunderstandings of my previous complaint and to specifically explain the basis for why I am seeking disciplinary action against Braid for unprofessional conduct as defined the Texas Occupational Code.

To be clear, I am not asking the Board to enforce S.B. 8, also known as the Texas Heartbeat Act.

I am seeking discipline of Braid under the Texas Occupational Code¹.

The Board has been given the authority to investigate and discipline physicians for violations of the **Texas Occupational Code, Title 3, Subtitle B, Chapter 164** pertaining to Disciplinary Actions and Procedures specifically related to Physicians.

Relevant parts of **Sec. 164.051(a)(1)** and **Sec. 164.05(a)(6)** state:

The board...may take disciplinary action against a person if the person: (1) commits an act prohibited under **Section 164.052**.

(6) fails to practice medicine in an acceptable professional manner consistent with public health and welfare;

Relevant parts of **Section 164.052(a)(5)** describe prohibited practices by Physicians and provides disciplinary action when “(a) A physician... commits a prohibited practice if that person:” ... “(5) commits unprofessional or dishonorable conduct that is likely to...injure the public;”

Relevant parts of **Section 164.053(a)(1)** state:

For the purpose of **Section 164.052(a)(5)**, unprofessional or dishonorable conduct likely to deceive or defraud the public includes conduct in which a physician: (1) commits an act that violates any state or federal law if the act is connected with the physician's practice of medicine.

Evidence of Occupational Code Violations

I submit evidence below of Braid's unprofessional conduct. Please keep in mind I am not asking for the Board to enforce the law that was broken, but rather, I am asking the Board to provide discipline under the aforementioned Occupational Codes.

On September 1, 2021, a new Texas law known as **S.B. 8, or the Texas Heartbeat Act²**, went into effect. This is a duly enacted law that that was in force on September 6, 2021. A violation of this law would represent unprofessional conduct under **Title 3, Subtitle B, Section 164.053(a)(1)**.

Braid admits publicly that he violated that law on September 6, 2021.

In an **opinion article** written by Braid titled "Why I violated Texas' extreme abortion ban" was published in the *Washington Post* on September 18, 2021. In that article, Braid states the following:

For the next 45 years - not including the two years I was away in the Air Force- I was a practicing OB/GYN in Texas, conducting Pap smears, pelvic exams and pregnancy check-ups; delivering more than 10,000 babies; and providing abortion care at clinics I opened in Houston and San Antonio, and another in Oklahoma.

Then, this month, everything changed. A new Texas law, known as S.B. 8, virtually banned any abortion beyond about the sixth week of pregnancy. It shut down about 80 percent of the abortion services we provide. Anyone who suspects I have violated the new law can sue me for at least \$10,000. They could also sue anybody who helps a person obtain an abortion past the new limit, including, apparently, the driver who brings a patient to my clinic.

For me, it is 1972 all over again.

And that is why, on the morning of Sept. 6, I provided an abortion to a woman who, though still in her first trimester, was beyond the state's new limit. I acted because I had a duty of care to this patient, as do for all patients, and because she has a fundamental right to receive this care.

Braid's confession that he has **defiantly and intentionally violated law** because he does not agree with it qualifies for disciplinary action under **Title 3, Subtitle B, Section 164.053(a)(1)** of the Texas Occupational Code.

Specifically, his actions in violating S.B. 8 qualifies as causing injury to the public as required by **Section 164.052(a)(5)**, since those actions took the life of a human being that the law was enacted protect.

Abortions on fetuses in which a heartbeat can be detected are now prohibited by state law and were prohibited when Braid conducted the illegal abortion on September 6, according to his own admission.

Once again, this is NOT a request for the Board to enforce S.B.8, but rather to enforce the “unprofessional conduct” Occupational Codes related to Physicians.

Because of Braid’s defiant attitude and his unlawful act, he has committed unprofessional conduct and poses a grave danger of injury and harm.

Financial motivation for breaking the law

Braid stated that his motivation for breaking the law in his opinion *Washington Post* article.

Then, this month, everything changed. A new Texas law, known as S.B. 8, virtually banned any abortion beyond about the sixth week of pregnancy. **It shut down about 80 percent of the abortion services we provide.** *[Emphasis added.]*

Braid’s financial motivations led to his lawless act and represents “unprofessional conduct” as defined by the Texas Occupational Code.

His actions have placed his financial interests above the law. His obvious belief that he need not adhere to laws that adversely affect his finances makes him a present danger to the public.

Prayer

If Braid had publicly confessed to having broken any other law, and in doing so caused injury to the public, I would be seeking similar disciplinary action from the Board. What is important here is that Braid intentionally broke Texas law. That qualifies as unprofessional conduct that produced injury to the public through the loss of a life that was protected by law.

I am requesting a full investigation into Alan Braid’s illegal conduct as outlined in his self-aggrandizing *Washington Post* opinion article.

I am also seeking an emergency suspension of Texas medical license to prevent him from further violating Texas law and committing further injury to the public as prohibited by **Section 164.052(a)(5)**.

I further request that the Texas Medical Board take appropriate and permanent disciplinary action against Braid for his lawless conduct, up to and including permanent license revocation.

Please let me know if there is anything more that I can do to assist you.

Sincerely,

/s/

Cheryl Sullenger
Senior Vice President
Operation Rescue

Enclosures

Footnotes

1. Texas Occupational Code, Title 3, Subtitle B, Chapter 164 (highlighted relevant portions on pages 16, 17, 18, 20.)
2. S.B. 8, Texas Heartbeat Act Text: <https://legiscan.com/TX/text/SB8/id/2395961>
3. “Why I violated Texas’ extreme abortion ban” by Alan Braid, Washington Post, September 18, 2021: <https://www.washingtonpost.com/opinions/2021/09/18/texas-abortion-provider-alan-braid/>