

## Abortion clinic closes, avoids fine after fatality



Antonessa Ross, who died in 2009 after having an abortion at the Women's Aid Clinic in Lincolnwood, is buried at Sunset Memorial Lawns in Northbrook. An assistant medical examiner said the 18-year-old died of severe bronchopneumonia. (Antonio Perez, Chicago Tribune)  
By [Nara Schoenberg](#) Chicago Tribune [contact the reporter](#)

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A Lincolnwood abortion clinic was fined \$36,000 over a fatality in 2011 but closed and didn't pay.

When 18-year-old Antonessa Ross came to the Women's Aid Clinic seeking a first-trimester abortion, a doctor examined her and found that she had an upper respiratory infection with swelling in her throat and "beefy red" tonsils.

The abortion would have to wait, the doctor told her. Ross couldn't safely have the procedure until she had been examined by a primary care doctor and treated with antibiotics.

But when Ross returned to the Lincolnwood clinic six days later, on May 8, 2009, a doctor and a nurse anesthetist went ahead with the abortion without documenting that Ross' infection had been treated or that they had re-examined her for signs of upper respiratory infection, according to state inspection records.

The surgery, one of the most common in the U.S. — and, statistically speaking, one of the safest — lasted only minutes. But within hours, Ross went into cardiopulmonary arrest and died.

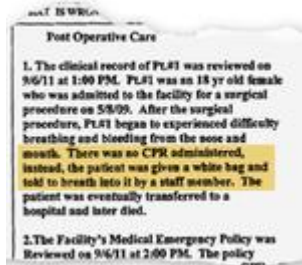


The site of the former Women's Aid Clinic at 4751 W. Touhy Ave. in Lincolnwood. (Antonio Perez, Chicago Tribune)

State officials imposed \$36,000 in fines in October 2011 over Ross' care, as well as for poor sanitation and staffing violations. But the clinic's owner, Larisa Rozansky, has yet to pay, creating another source of outrage for Ross' grieving family.

"At the end of the day, there is a young lady that is gone, and she cannot see her children grow up, and her family misses her," said Ross' cousin Janell Austin Tuft of College Park, Ga. "And for us to not get justice — for them not to pay the fine — it's not right. It's just not right."

Rozansky closed the Women's Aid Clinic in November 2011, just three weeks after the fine was imposed. In December she formed a new clinic. The new operation had a similar name — the Women's Aid Center — as well as two of the same phone numbers as the old clinic and, for a while, the same website and location.



### [Clinic owner, state attorneys battle over fine \(TIMELINE\)](#)

But Rozansky and her lawyer have argued that the two clinics are entirely different entities and that the old clinic, which filed for bankruptcy before closing, has no money to pay the fine.

The state has challenged that interpretation, first in Cook County Circuit Court, where a judge ruled that Rozansky had to turn over \$77, and now in the Illinois Appellate Court, where both sides are filing briefs in preparation for oral arguments.

"If you can close down the clinic and reopen it under a different name, that's just ludicrous," Tuft said.

Rozansky's lawyer, Scott Skaletsky, declined to comment.

Antonesha Ross' Facebook page, which remains online with more than 400 friends, shows a teen with a warm smile and a taste for the singer Keyshia Cole and the movie "The Color Purple." Ross wrote poetry and loved fashion, her cousin said, and she had a laugh that could make you forget you were having a bad day.



### [Nurse anesthetist's license was suspended after third abortion death](#)

"She was my sister, you know?" said Tuft, 29. "She was my little sister. I wouldn't consider her my cousin. We did everything together. We went to get our hair done, our nails done. We would go shopping. She used to spend the night over at my house all the time."

Ross grew up in Evanston, attended Evanston Township High School and was pursuing a GED at the time of her death, family members said. She talked about wanting to go to college and was due to start a new job within days. She had two young children, 6 months and 20 months old.

Ross was about 12 weeks pregnant and had been suffering from an upper respiratory infection for two weeks when she made her first visit to the clinic on May 2, 2009, accompanied by her mother, according to inspection records from the Illinois Department of Public Health. During that visit, a doctor found that tissue behind her nose was "bulging" and the back of her throat was severely enlarged, the records state.

When she was told she couldn't safely have general anesthesia, she asked about local anesthesia. But the doctor told her she couldn't "safely have the procedure" until the infection had been treated with antibiotics and evaluated by a family doctor or internist, state records say.

When Ross returned to the clinic for her abortion on May 8, clinic employees failed to document whether she had been treated for the infection, state records say.

Ross' surgery began at 12:55 p.m. and was done by 1 p.m., according to records from a malpractice lawsuit. Afterward, she had trouble breathing and coughed up fluid and blood.

Clinic employees called an ambulance about 40 minutes after the surgery. But they failed to give Ross CPR, according to state records, instead offering her a bag to breathe into.

Paramedics treated Ross at the clinic before transporting her by ambulance to Presence St. Francis Hospital in Evanston, where she was pronounced dead in the emergency room at 3:05 p.m., according to 911 and medical examiner records.

"It was devastating," said Ross' aunt Michelle Nicks. "The family all met at the hospital where they had taken her body and it was just so bizarre, just to see her there. Still to this day, it doesn't seem real. I just can't believe it."

The cause of death, in the opinion of the Cook County assistant medical examiner who performed the autopsy, was severe bronchopneumonia, which filled her lungs with fluid.

The assistant medical examiner, who asked not to be identified because he is now retired, said in an interview that "breathing would have been very, very difficult (for Ross), very rapid."

"She'd go into respiratory arrest most likely," he said. "If they had a pulse oximeter on her, you'd just see the oxygen fall, because her lungs couldn't deliver enough oxygen (to) her blood."

Ross' mother was too distraught to talk to investigators after her daughter's death, documents say. Tuft said family members gathered at St. Francis, where they were allowed to see Ross' body and say their goodbyes.

"I literally held her hand until her hand turned blue," Tuft said. "They had to have security remove me. It wasn't an option for me to leave her."

Illinois doesn't require regular inspections of first-trimester abortion clinics such as the Women's Aid Clinic, and it wasn't until a wave of inspections more than two years after Ross' death that conditions at the clinic came to light.

The state inspector who arrived at the Women's Aid Clinic in September 2011 found 15 violations of state health and safety regulations. Among other findings, the clinic didn't have a registered nurse supervising patient care, wasn't properly tracking narcotics and sedatives, and had failed to ensure "a sanitary facility with all equipment in good working order," the inspector's report stated.

In an operating room that hadn't been used for two days, five insulin syringes were found outside of their protective packaging. The anesthesia cart contained about 28 vials of expired medication, including about 20 vials that had expired more than a year earlier.

The inspector found medications and frozen dinners stored in a biohazard refrigerator that also contained fetal or placental tissue, according to the report, and a recovery room technician was observed taking a paper towel from the garbage and using it to cover a tray used to serve food to patients.

The inspector also examined an unnamed patient's records and found that the clinic had violated state regulations by failing to specify, in writing, which medical or psychiatric conditions would make a patient ineligible for surgery. The clinic also had violated its own policy that CPR would be administered in the event of a medical emergency when it treated that patient, the inspector wrote.

The Tribune identified that patient as Ross through 911 records and Cook County medical examiner records.

After the inspection, the state suspended the clinic's license on an emergency basis, citing conditions that were "directly threatening to the public interest, health, safety and welfare," and fined the clinic \$36,000.

Half of that total was for failing to hire a registered nurse to supervise care and circulate in the operating room. Another \$9,000 covered sanitary and equipment issues. The remaining \$9,000 was for the lack of a detailed written policy on ineligibility for surgery — a violation stemming from Ross' care.

A month later, the Department of Financial and Professional Regulation took disciplinary action against Lawrence J. Hill, the certified registered nurse anesthetist who administered Ross' anesthesia.

In a written decision in November 2011, the department found that Hill acted unprofessionally in May 2009 when he failed to "properly assess, evaluate, and treat a patient of the Women's Aid Clinic ... resulting in the patient's death." Antonessa Ross wasn't named in that decision, but 911 records and court records indicate that Ross was the only patient who died after a 2009 abortion at the Women's Aid Clinic.

The department fined Hill \$10,000 and refused to renew his nursing licenses. Hill had requested a hearing to contest the department's findings but failed to appear, records show.

Hill had been named in a malpractice lawsuit filed by the Ross estate that was settled for \$555,500 in 2010, with Hill paying \$80,500 and the Women's Aid Clinic paying the rest.

Efforts to reach Hill for comment were unsuccessful. In court papers filed in the malpractice suit, both he and the doctor who performed the abortion, Josephine Kamper, denied any negligence in their care and treatment of Ross. They also denied the lawsuit's specific allegations that they failed to properly resuscitate Ross, properly monitor her blood oxygen levels, provide her with adequate oxygen or maintain a reliable airway.

Earlier in 2011, Kamper had reached an agreement with the state regarding allegations that she had failed to properly evaluate an unnamed abortion patient prior to anesthesia and had failed to discuss and agree to the nurse anesthetist's anesthesia plan. Kamper, who did not respond to phone messages left at her workplace, agreed to two years of medical license probation including monitoring and education requirements.

In a letter to the state in November 2011, Rozansky said she disagreed with the findings of the state inspector but would not contest them in a hearing because she was closing the clinic. In an interview with The Associated Press in 2012, she said her clinic was safe and the state inspection was unfair.

"I tried to help women to get legal abortions," Rozansky said. "If someone wants to work against that, there's nothing I can do."

The Illinois Department of Public Health pursued the \$36,000 fine against the Women's Aid Clinic, filing a complaint in Cook County Circuit Court in 2012.

But Rozansky and her lawyer, Skaletsky, argued that the old clinic had no assets and that the new clinic, which offers abortions by means of medication, but not surgical abortion, is an "entirely new entity" that cannot be held responsible for the old clinic's fines. The new clinic, the Women's Aid Center in Chicago, performs abortions in the first nine weeks of pregnancy, according to its website.

In hearings held in 2013 and 2014, the state's lawyer, Illinois Assistant Attorney General Vincent Kan, pointed out that the new clinic had acquired valuable assets from the old clinic, including a website, two phone numbers and a merchant's account used to process credit cards. Yet the new clinic had never compensated the old clinic — and its creditors — for those assets.

"You can close your old business. You can open your new business. That's perfectly fine. Even the time frames can overlap," Kan said at the hearing. "What we're saying is you can't do it with the assets of the old corporation, especially if you're going to shut it down and leave creditors in the lurch."

Kan didn't put a cash value on the old clinic's website, customer list and phone numbers, or estimate how much they contributed to the new clinic's revenues. The new clinic made \$94,000 in 2012 in credit card, debit card and PayPal transactions alone, according to court records.

Instead, Kan focused on the narrow issue before the judge: the state's request for immediate payment of about \$3,000 that had been deposited in the new clinic's bank account. Kan argued that money processed using the old clinic's merchant's account number belonged to the old clinic.

Skaletsky countered that although the two clinics shared a merchant's account number, they were entirely separate businesses, and that there was only \$77 in the old clinic's bank account when it closed.

"If \$77 would make this go away, I think my clients could write a check for \$77," Skaletsky said.

In a decision that's now under appeal, Judge Alexander White ordered that Rozansky pay the \$77.

The hearing had included references to taxpayer ID numbers, bankruptcy dispositions and 1099-K forms, but not a single mention of Antonesha Ross.

At one point, Rozansky blamed the fine on the age of her medical equipment — a relatively small factor, inspection records show, compared with the lack of proper nursing personnel and the lapse in Ross' care.

"That's why I was fined: because the equipment was old," Rozansky told the judge. "So I gave it away."

A spokeswoman for the Illinois attorney general said in a written statement that the clinic was fined "due to health and safety violations. We are pursuing this case in an effort to recover as much as those fines as possible."

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