

standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people." *Id.*

3. Illinois FOIA also provides that: "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2.

4. Illinois FOIA specifies what information is exempt from disclosure. A public body may redact "[p]rivate information" (5 ILCS 140/7(1)(b)) as well as "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy 'Unwarranted invasion of personal privacy' means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c).

5. This action arises from the Defendant IDPH's responses to several FOIA requests, as hereinafter described, submitted to the Department by Plaintiff Jean Crocco for Plaintiff League. The FOIA requests sought reports of inspections of Pregnancy Termination Specialty Centers (PTSCs) and Ambulatory Surgical Treatment Centers (ASTCs), as well as license applications or re-applications of any PTSCs or ASTCs, if any.

6. In responding to the League's August 26, 2015 FOIA request, the Department departed from longstanding practice and redacted the names of certain individuals contained in the public records it produced. In a September 9, 2015 email to Mrs. Crocco, it justified its action by saying that it was permitted to redact "identifying information of employees" in accordance with Section 7(1)(c) of FOIA which exempts personal information for which 'the

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disclosure of which would constitute a clearly unwarranted invasion of personal privacy. . . ". It had not taken this position with respect to the League's previous identical FOIA requests.

7. The Department has continued to date to assert the same rationale for redacting names from its responses to subsequent identical FOIA requests by the Plaintiffs.

8. This Complaint asserts that the Department acted unreasonably and illegally in withholding the requested public records pursuant to the Section 7(1)(c) exemption. Plaintiffs seek a judgment and order requiring the Department to release requested public records without redacting names of individuals contained in the records.

PARTIES, JURISDICTION AND VENUE

9. The League is an Illinois not-for-profit corporation with its principal office in Chicago, Cook County, Illinois.

10. Mrs. Crocco is an employee of the Pro-Life Action League. She resides in McHenry County.

11. The Department is a public body as defined under the Illinois Freedom of Information Act, 5 ILCS 140/2 with its principal office in Sangamon County, and other business offices in the City of Chicago.

12. This Court has jurisdiction and venue over this matter pursuant to 5 ILCS 140/11(b) and 5 ILCS 140/2 because the League resides in Cook County, where it has its principal place of business. It also has jurisdiction pursuant to the Declaratory Judgment Act, 735 ILCS 5/2-701.

13. This action is brought under Section 11 of FOIA, 5 ILCS 140/11, which permits a party to bring an action for injunctive and declaratory relief upon a wrongful denial of a valid FOIA request.

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14. This dispute is ripe for adjudication by this Court under both 5 ILCS 140/11 and 735 ILCS 5/2-701. The Department has improperly withheld documents sought by the League pursuant to several valid FOIA requests, by redacting them in whole or in part without statutory justification, in violation of FOIA. *See* 5 ILCS 140/7. Thus, an actual and justiciable controversy exists.

15. The League is entitled to a declaration that the Department has violated FOIA.

16. The League is entitled to injunctive relief requiring the immediate production of the documents that have been wrongfully withheld via excessive redaction. 5 ILCS 140/11(d).

17. The League is entitled to recover its fees and costs incurred as a result of the Department's repeated violations of FOIA. 5 ILCS 140/11(i).

18. The Department should be required to pay a civil penalty as a consequence of its wrongful, willful, and intentional failure to comply with FOIA. 5 ILCS 140/11(j).

19. Under 5 ILCS 140/11(h), this cause is entitled to proceed on an expedited basis.

20. The League has standing to bring this action pursuant to 5 ILCS 140/11.

FACTUAL ALLEGATIONS

21. The League is a pro-life organization, committed to educating the public on the subject of abortion through direct activism.

22. The League employs Mrs. Crocco, a retired nurse, to investigate the safety of abortion procedures and cleanliness of abortion clinics across the country. As part of her investigations, Mrs. Crocco regularly submits FOIA requests in Illinois and elsewhere to obtain reports about abortion clinics. The purpose is to alert women about clinics which have failed to satisfy State safety standards as disclosed in inspection reports, clinics which employ unlicensed staff or staff who have been subject to lawsuits or disbarment, and clinics which experience high

staff turnover. Information regarding these clinic issues is contained in the documents Mrs. Crocco requests through FOIA. Mrs. Crocco's aim is to protect clients from clinics which may be unsanitary, dangerous, or employ unlicensed staff.

23. This action arises out of the following FOIA requests and IDPH responses:

SEQ.	FOIA REQUEST DATE	INITIAL RESPONSE DATE	RESPONSE NUMBER
First	22-Jul-15	5-Aug-15	1604911188
Second	26-Aug-15	9-Sep-15	1604911324
Third	28-Oct-15	4-Nov-15	1604911542
Fourth	18-Nov-15	4-Dec-15	1604911616
Fifth	18-Nov-15	4-Dec-15	1604911617
Sixth	4-Jan-16	6-Jan-16	1604911744
Seventh	4-Jan-16	19-Jan-16	1600211745
Eighth	19-Jan-16	27-Jan-16	1604911784
Ninth	24-Feb-16	2-Mar-16	1600211908
Tenth	17-Mar-16	22-Mar-16	1604911995

First League FOIA, Number 1604911188

24. On July 22, 2015, Mrs. Crocco sent a FOIA request, subsequently assigned Number 1604911188 by the Department, via email, to the Department asking for these records:

I request any inspections and POCs [Plans of Correction] for all PTSCs [Pregnancy Termination Specialty Centers] and my specified ASTCs [six Illinois Ambulatory Surgical Centers, several of which perform abortions] that have become available since my previous request. I also request any other communications with the same centers that are available.

Mrs. Crocco email to Bryant, July 22, 2015 (“First League FOIA”).

25. On July 27, 2015, this deadline was extended five business days by Jason R. Boltz, pursuant to the FOIA statute.

26. On August 5, 2015, William Bryant (“Bryant”), Acting Freedom of Information Officer with the Department’s Division of Legal Services responded to the First League FOIA,

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stating that the Request was denied in part “pursuant to Section 7(1)(b)” of FOIA. Bryant email to Mrs. Crocco, Aug. 5, 2015.

27. The Department then provided 42 pages of responsive documents redacting only signatures on the documents. Plaintiffs do not object to the redaction of signatures.

28. The documents contain the unredacted names of nearly two dozen clinic employees and staff members.

29. The First League FOIA is not being appealed herein, but is included to show the Department's regular practice in responding to Plaintiffs' identical FOIA requests for several years prior to this date not to redact names or license numbers of clinic employees and staff.

Second League FOIA, August 26, 2015, Number 1604911324, and Subsequent PAC Appeal

30. On August 26, 2015, Mrs. Crocco sent a FOIA request, subsequently assigned Number 1604911324, via email, to the Department asking for the following records:

any inspections of any PTSCs and my selected ASTCs available since the last time I requested them, along with any supporting documentation. I also request any license reapplications available (I believe there is at least 1 renewal at this time) for these same ASTCs/PTSCs.

Mrs. Crocco email to Bryant, Aug. 26, 2015 (“Second League FOIA”).

31. On September 2, 2015, Bryant extended the deadline, pursuant to statute, to September 9, 2015.

32. On September 9, 2015, Bryant responded to the Second League FOIA, stating that the request was denied in part “pursuant to Section 7(1)(b)” of FOIA. **SEE ATTACHED EXHIBIT ONE.** He added, “Additionally, redactions have been made to identifying information of employees of the facility in accordance with Section 7(1)(c) of the Act which exempts

personal information for which [sic] the ‘disclosure of would constitute a clearly unwarranted invasion of personal privacy’” Bryant email to Mrs. Crocco, Sept. 9, 2015.

33. The Department provided 21 pages of responsive documents with names of clinic employees and their license numbers redacted. **SEE ATTACHED EXHIBIT TWO.** However, inconsistently, the license numbers of the "Medical Director" and "Supervising Nurse," whose names were redacted, were provided.

34. September 9, 2015, was the first time anyone at the Department had ever claimed an exemption under Section 7(1)(c) of the Act.

35. In fact, this claim was directly counter to the production only one month earlier by Bryant. *See* First League FOIA, *supra*.

36. On that same date, the League, through Mrs. Crocco, filed an appeal with the Public Access Counselor (“PAC”) appealing the decision to redact “all names and license numbers of the employees” Appeal, Sept. 9, 2015. **SEE ATTACHED EXHIBIT THREE.** It noted that, in the four and a half years Mrs. Crocco had been making FOIA requests to the Department, this was the first time the Department had ever redacted the name of the medical director or other employees of a clinic from its production. *Id.* This appeal was docketed as case 2015 PAC 37387. The League explained that “The public has a right to know when a clinic has a staff turnover of greater than 50% each year” or when a clinic employs a convicted felon, for example. *Id.*

37. On October 2, 2015, Bryant sent a letter to the PAC in response to Mrs. Crocco’s appeal justifying its redactions pursuant to Sections 7(1)(b & c) of the Act and case law from 2004 and earlier. **SEE ATTACHED EXHIBIT FOUR.**

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38. On October 8, 2015, the League received a letter dated two days earlier from the PAC offering her the opportunity to reply. PAC letter to League, Oct. 6, 2015. It did so, through its counsel, Thomas Olp of the Thomas More Society (“TMS”), on October 19, 2015, seven business days after receipt of the PAC’s letter. **SEE ATTACHED EXHIBIT FIVE.**

39. On November 3, 2015, Bryant sent a supplemental response to the TMS letter, alleging that the TMS letter had been filed one day late and citing a Washington Post article wherein an abortion provider, Dr. Diane Horvath-Cosper, stated that she is a “target for harassment” due to her profession. **SEE ATTACHED EXHIBIT SIX.** The Department alleged that Mrs. Crocco’s results had been used in the past to provide information to <http://abortiondocs.org/>, “a site that routinely publishes documents pertaining to abortion clinics” as justification for withholding names of abortion providers out of concern that the information might subsequently be published to that website, since that subsequent publication would be “a clearly ‘unwarranted invasion of personal privacy,’ warranting exemption under Section 7(1)(c) of the Act.” *Id.*

The Department importantly fails to note that Horvath-Cosper—its poster child for the need for privacy for abortion providers—states in the article that she is “not shy” about mentioning her status as an abortion provider and that she routinely publicly posts, using her full name, to Twitter and Facebook in hopes that “doctors’ willingness to share their stories will help women feel empowered to share theirs” and will thereby decrease the “incredible amount of stigma surrounding abortion.” Diane J. Horvath-Cosper, *Being a doctor who performs abortions means you always fear your life is in danger*, WASHINGTON POST, Oct. 29, 2015, available at <https://www.washingtonpost.com/posteverything/wp/2015/10/29/being-a-doctor-who-performs-abortion-means-you-always-fear-your-life-is-in-danger/>. The Department also neglects to

mention that Horvath-Cosper—despite her alleged fears for her family—publicly lists the city she lives in and frequently posts the name and photographs of her infant daughter to her Twitter feed. *See e.g.*, Diane J. Horvath-Cosper, @GynAndTonic, Twitter (Jan. 8, 2016), <https://twitter.com/GynAndTonic/media>, at 6, 10, 12, 13, 14. She also posts at tumblr.com. See <http://pregnantparentingprochoice.tumblr.com/post/121687154034/diane> **SEE ATTACHED EXHIBIT SEVEN.**

40. The PAC has not yet responded to Mrs. Crocco’s September 9, 2015, Appeal.

41. The League has notified the PAC that it has filed suit under Section 11 of the Act and has asked that the PAC take no further action on this appeal. *See* 5 ILCS 140/9.5(g).

Third League FOIA, October 28, 2015, Number 1604911542

42. On October 28, 2015, Mrs. Crocco, sent a FOIA request, via email, to the Department for all previously unproduced records regarding the settlement agreement between the Albany Medical-Surgical Center (“Albany”), a clinic which performed abortions, and the Department as well as any records regarding the closure of Albany; this was assigned case number 1604911542. Mrs. Crocco email to Bryant, Oct. 28, 2015 (“Third League FOIA”).

43. On November 4, 2015—one day after sending the PAC his Supplement—Bryant responded to Mrs. Crocco’s FOIA, providing 7 pages of responsive documents, but refusing to provide certain identifying information pursuant to “Section 7(1)(b).” Bryant email to Mrs. Crocco, Nov. 4, 2015. Only the signatures were redacted from the production. Names of clinic staff were not redacted but disclosed, consistent with the Department's practice prior to its September 9, 2015 response in which it first redacted clinic staff names. These included E. Steve Lichtenberg (Medical Director), Diana Maracich (Administrator), and Holly Hines (Supervising Nurse).

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44. The Department did not cite Section 7(1)(c) as it had previously as grounds for redacting names of clinic employees. *Id.*

45. The redactions in the Third League FOIA are not being appealed herein but included to show the inconsistencies of the Department's FOIA responses.

Fourth League FOIA, November 18, 2015, Number 1604911616

46. On November 18, 2015, Mrs. Crocco sent a FOIA request, via email, to the Department stating: "This is my regular FOIA request for any inspections or license renewals for any PTSCs or my selected ASTCs available since my last request [October 6, 2015]." Mrs. Crocco email to Bryant, Nov. 18, 2015 ("Fourth League FOIA").

47. On November 25, 2015, Bryant extended the deadline, pursuant to statute, to December 4, 2015.

48. On December 4, 2015, Bryant partially denied the request, citing Sections 7(1)(b) & c) of FOIA, and produced 98 pages of documents with names and license numbers redacted throughout. Bryant email to Mrs. Crocco, December 4, 2015.

49. The redactions in this production were inconsistent with those in previous responses to League FOIAs.

50. Moreover, based upon the non-redacted portions of the Curriculum Vitae produced, it is clear that one belongs to Dr. E. Steve Lichtenberg, the Medical Director whose name was disclosed in response to the Third League FOIA, while another belongs to Diana Maracich, Administrator, listed as the administrator in the same Response.

Fifth League FOIA, November 18, 2015, Number 1604911617

51. On November 18, 2015, Mrs. Crocco sent an additional FOIA request, via email, to the Department asking for: "any more documents releasable pertaining to Albany ASTC

settlement or closure or inspections or legal action” This was subsequently labeled Number 1604911617. Mrs. Crocco email to Bryant, November 18, 2015 (“Fifth League FOIA”).

52. On December 4, 2015, Bryant partially denied the request, citing Sections 7(1)(b & c) of FOIA, and produced two files, containing 42 pages of documents, with redactions throughout. Bryant email to Mrs. Crocco, Dec. 4, 2015.

53. The redactions in this production were inconsistent, with some names and license numbers being redacted while others were not. Perhaps most glaringly, one page of the production—page four from the Department’s Notice of Refusal to Renew License: and Notice of Opportunity for Administrative Hearing, initiating proceedings in ASTC 15-005—redacts the names of the clinic’s administrator, medical director, and supervising nurse from its summary, in paragraph 5, of the clinic’s 2016 Renewal Application. Yet only three paragraphs later the summary document states:

the Department received a letter from E. Steve Lichtenberg, MD, MPH, stating that FPAMG would no longer be managing the facility, effective October 21, 2015. Additionally the letter informed the Department that the Facility’s administrator, medical director and supervising nurse – *the same individuals identified in the 2016 Renewal Application* – were resigning effective 11:59 p.m., October 21, 2015. [emphasis added]

The referenced letter was then produced without redacting the names of Lichtenberg, Maracich, and Hines, the Facility’s administrator, medical director and supervising nurse, respectively. Further, while the Department redacted license numbers in some places, it did not redact them in others (e.g. at page 4 of 11).

54. The redaction in this production is additionally improper due to the official nature of the proceedings these documents were filed in—as adversarial court proceedings which are, by law, open and available to the public.

Sixth League FOIA, January 4, 2016, Number 1604911744

55. On January 4, 2016, Mrs. Crocco sent a FOIA request, via email, to the Department stating “This is my regular FOIA request for any inspections and responses for any PTSCs and my selected ASTSs available since my last FOIA request. I also request any license reapplications for these clinics since my last FOIA request.” Mrs. Crocco email to Bryant, January 4, 2016. This request was assigned number 1604911744 (“Sixth League FOIA”).

56. On January 8, 2016, Bryant partially denied the request, citing Sections 7(1)(b & c) of FOIA, and produced 29 pages of documents with redactions throughout. Bryant email to Mrs. Crocco, January 8, 2016.

57. The redactions in this production were again inconsistent with previous productions; some private information and license numbers were redacted from this production while some private information (including a personal email address) were not.

Seventh League FOIA, January 4, 2016, Number 1604911745

58. On January 4, 2016, Mrs. Crocco sent a second FOIA request, via email, to the Department asking for “any settlement papers or any new legal papers available since my last FOIA request as regards Albany ASTC.” Mrs. Crocco email to Bryant, January 4, 2016. This request was assigned number 1604911745 (“Seventh League FOIA”).

59. On January 11, 2016, Bryant extended the deadline, pursuant to statute.

60. On January 19, 2016, Bryant partially denied the request, citing Sections 7(1)(b & c) of FOIA, and produced 9 pages of documents with redactions of clinic staff names on page 2. Bryant email to Mrs. Crocco, January 19, 2016.

61. The redactions in this production were in Albany’s “Answer to Notice of Refusal to Renew License and Allegations of Non-Compliance,” Department of Public Health Docket

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No. ASTC 15-005. These names redacted in paragraph 5 are the same as those which were sometimes redacted and sometimes released in response to the League FOIAs described above (the names of the administrator, medical director, and supervising nurse). The Department, however, did not redact the name of E. Steve Lichtenberg only three paragraphs later; upon information and belief Lichtenberg is the administrator whose name was redacted in paragraph 5.

62. The redaction in paragraph 5 is additionally improper due to the official nature of the proceedings these documents were filed in, i.e. adversarial court proceeding which are, by law, open to the public.

Eighth League FOIA, January 19, 2016, Number 1604911784

63. On January 19, 2016, Mrs. Crocco sent a FOIA request, via email, to the Department asking for Albany's "modified application for renewal," which had been referred to in previous documents provided to Mrs. Crocco by the Department. This request was assigned number 1604911784 ("Eighth League FOIA").

64. On January 27, 2016, Bryant partially denied the request, citing Sections 7(1)(b & c) of FOIA, and produced 16 pages of documents with redactions throughout. Bryant email to Mrs. Crocco, January 27, 2016.

65. The redactions in this production were again inconsistent with the redactions in previous responses, *see supra*, failing to redact a clearly personal email address, yet redacting other information such as names and license numbers of the administrator and other employees.

Ninth League FOIA, February 24, 2016, Number 1600211908

66. On February 24, 2016, Mrs. Crocco sent a FOIA request, via email, to the Department asking for "any communications between Albany ASTC and the department related

to their settlement agreement, their refusal to renew license, or other legal matters since the last time I requested them." This request was assigned number 1600211908 ("Ninth League FOIA").

67. On March 2, 2016, Bryant partially denied the request, citing Sections 7(1)(b & c) of FOIA, and produced 118 pages of documents with redactions throughout. Bryant email to Mrs. Crocco, March 2, 2016.

68. The redactions in this production were again inconsistent with the redactions in previous responses, *see supra*, redacting and failing to redact in the same response license numbers of the medical director and all licensed personnel.

Tenth League FOIA, March 17, 2016, Number 1604911995

69. On March 17, 2016, Mrs. Crocco sent a FOIA request, via email, to the Department asking for "any inspections or license renewals for my selected ASTCs and all PTSCs since my last request." This request was assigned number 1604911995 ("Tenth League FOIA").

70. On March 22, 2016, Bryant partially denied the request, citing Sections 7(1)(b & c) of FOIA, and produced 21 pages and 16 pages in two files with redactions of names and license numbers throughout. Bryant email to Mrs. Crocco, March 24, 2016.

71. The redactions in this production were again inconsistent with the redactions in previous responses, *see supra*.

COUNT I: VIOLATION OF FOIA

72. The allegations contained in paragraphs 1-72 are re-alleged and incorporated herein by reference.

73. The Department is a public body under FOIA.

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74. “Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.” 5 ILCS 140/1.2.

75. A claim of exemption constitutes a denial of a FOIA request. *See* 5 ILCS 140/9(a) (“Each public body denying a request for public records shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial.”).

76. The Department’s excessive, unlawful, and unnecessary (as evidenced by their extreme inconsistency) redactions constitute a bad faith denial of the FOIA requests.

77. The Department cannot justify its FOIA redactions under the exemption provisions of the Illinois FOIA law, nor may the Department create from thin air a statutory exemption solely for those who work for abortion clinics. *See* 5 ILCS 140/7.

78. The Department has willfully and intentionally violated FOIA by denying the League's Second (1604911324), Fourth (1604911616), Fifth (1604911617), Sixth (1604911744), Seventh (1600211745), Eighth (1604911784), Ninth (1600211908), and Tenth (1604911995) FOIA Requests.

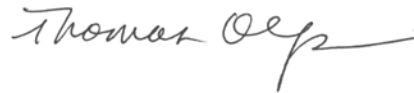
WHEREFORE, the League respectfully prays that the Court:

- i. In accordance with FOIA Section 11(f), afford this case precedence on the Court’s docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. Declare that the Department violated FOIA;

- iii. Grant injunctive relief requiring the Department to immediately produce the withheld documents;
- iv. Award the League its reasonable attorneys' fees under 5 ILCS 140/11(i);
- v. Impose civil penalties against the Department under 5 ILCS 140/11(j) for willfully and intentionally violating FOIA in bad faith;
- vi. Award the League all other relief to which it may justly be entitled on the premises as a matter of law.

Dated this 19th of May, 2016.

Respectfully submitted,



Thomas Olp,
Cook County Atty No. 59329
One of Plaintiffs' attorneys

Of Counsel:
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Thomas Olp, ARDC #3122703
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EXHIBIT ONE

----- Forwarded message -----

From: **Bryant, William** <William.Bryant@illinois.gov>

Date: Wed, Sep 9, 2015 at 1:15 PM

Subject: Regarding Freedom of Information Request 1604911324

To: Jean Crocco <jean@proliferaction.org>

Dear Ms. Crocco,

Please find attached the Department's response to your recent Freedom of Information request for records regarding inspections of PTSCs and select ASTCs since May 12, 2015 and any license applications for the facilities in the same time period.

During the time period specified no inspections occurred.

The Department has partially denied your request for license applications pursuant to Section 7(1)(b) of the Freedom of Information Act, 5 ILCS 140. Redactions were made to signatures pursuant to the requirements of the Act. Additionally, redactions have been made to identifying information of employees of the facility in accordance with Section 7(1)(c) of the Act which exempts personal information for which "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information".

You may request a review of this partial denial by contacting the Office of the Public Access Counselor at:

Public Access Counselor
Office of the Illinois Attorney General
500 S. Second St.
Springfield, IL 62706
Fax: [217-782-1396](tel:217-782-1396)
Email: publicaccess@atg.state.il.us

You also have the right to file for injunctive or declaratory relief in the circuit court for Sangamon County or the county where you live (5 ILCS 140/11).

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this partial denial notice (5 ILCS 140/9.4(a)). Please note that you must include a copy of your original FOIA request and this partial denial notice when filing a Request for Review with the PAC.

If I can be of further assistance you can contact me at [\(217\) 558-3403](tel:217-558-3403) or via email at DPH.FOIA@Illinois.gov, or write to me at 535 West Jefferson St., Springfield, IL 62761-0001.

Sincerely,

William Bryant, MPA
Acting Freedom of Information Officer
Division of Legal Services
Illinois Department of Public Health

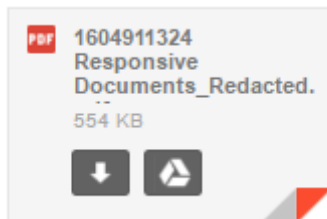
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535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Office: [\(217\) 558-3403](tel:2175583403)
Fax: [\(217\) 782-3987](tel:2177823987)

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This e-mail may be exempt from disclosure under the Illinois Freedom of Information Act (5 ILCS 140) pursuant to exemptions under sections 7(1)(f) and/or 7(1)(m).

Attachments area



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EXHIBIT TWO

06/2007



Illinois Department of PUBLIC HEALTH

HF 108897

LICENSE, PERMIT, CERTIFICATION, REGISTRATION

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below

Nirav D. Shah, M.D., J.D.

Issued under the authority of
the Illinois Department of
Public Health

Director

EXPIRATION DATE

8/20/2016

I.D. NUMBER

7002140

CATEGORY

Ambulatory Surgery Treatment Center

Effective: 08/21/2015

**Advantage Health Care, Ltd.
203 E. Irving Park Road
Wood Dale, IL 60191**

The face of this license has a colored background. Printed by Authority of the State of Illinois • P.O. #4012320 10MA 3/12

→ DISPLAY THIS PART IN A
CONSPICUOUS PLACE

Exp. Date 8/20/2016

Lic Number 7002140

Date Printed 8/3/2015

Validation Num 2606

Advantage Health Care, Ltd.

203 E. Irving Park Road
Wood Dale, IL 60191

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Ambulatory Surgical Treatment Center Renewal Licensure

ASTC ID No. <u>7002140</u>
Program Category - 86
Department Use Only

IMPORTANT NOTICE: Pursuant to the Ambulatory Surgical Treatment Center Licensing Act (210 ILCS 55/1 et seq.) and the rules of the Department of Public Health entitled "Ambulatory Surgical Treatment Center Licensing Requirements" (77 IL Adm Code 205).

\$300 Application Fee

1. Facility Name/Address

Name of ASTC Advantage Health Care, Ltd.

Address 203 E. Irving Park Rd.

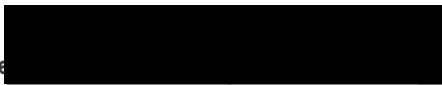
City Wood Dale County DuPage State IL Zip Code 60191

Telephone Number (Area Code) 630-595-1515 Fax Number 630-595-9097 E-mail accounting@officegci.com

Administrator's Signature

The Administrator of the facility must review this survey form for completeness and accuracy, then sign and date in the spaces below to certify that, to the best of his/her knowledge, the information provided is complete and accurate.

Typed or Printed Administrator Name

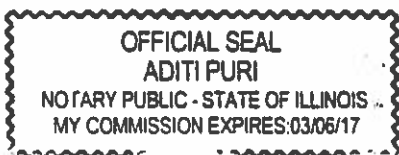


Administrator Signature (original only)

7/1/2015

Date of Completion

Signed and Sworn (or attested) to before me this 1 day of July 20 15



Notary Public

My commission expires 03/06 20 17

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under (210 ILCS 5/1 et seq.). Disclosure of this information is mandatory, this form has been approved by the Forms Management Center

DUE DATE: 30 DAYS PRIOR TO THE EXPIRATION OF YOUR CURRENT LICENSE

20160519 11:00 AM 2016-CH-06918



2. Ownership

1. Please indicate type of ownership with an "X":

- | | |
|---|--|
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Limited Liability Partnership (*RA) |
| <input checked="" type="checkbox"/> Corporation (*RA) | <input type="checkbox"/> Limited Liability Company (*RA) |
| <input type="checkbox"/> Partnership (Registered within county) | <input type="checkbox"/> Other |
| <input type="checkbox"/> Limited Partnership (*RA) | * RA - Registered Agent |

2. Registered Agent

If your facility ownership indicated above requires a registered agent, please indicate the name, address (including zip code plus four), and telephone number of this person or company. (If you are unable to identify this person or company, contact the Secretary of State's office to identify the facility's registered agent)

Name of Illinois Registered Agent: State Registry Ltd.

Address of Illinois Registered Agent: 3 Golf Center Rd., # 356

City, State, Zip Code plus four: Hoffman Estates IL 60169

Telephone of Illinois Registered Agent (including area code): 847-255-7400

3. Ownership Information

If your facility is required to have a Registered Agent (see #2 above) or is required to have at least three officers, list the name of the state where the home or parent firm is incorporated or registered.

Name of Parent Firm or Organization: Advantage Health Care, Ltd.

State where Parent Firm or Organization is Incorporated or Registered: Illinois

List the name and address of the following officers:

TITLE	NAME	FULL ADDRESS
President	<u>Vijay Goyal</u>	<u>P.O. Box 1025 Arlington Hts IL 60006</u>
Vice-President	<u>Vinod Goyal</u>	<u>P.O. Box 1025 Arlington Hts IL 60006</u>
Secretary	<u>Edyta Barabas Secretary/ V.P.</u>	<u>P.O. Box 1025 Arlington Hts IL 60006</u>
Treasurer		



4. Shareholder Information

If your ASTC is a CORPORATION, list the number of shares held by shareholders with more than five percent of common stock or the top five stockholders, whichever is less. Also, indicate the percentage of total shares that each stockholder holds.

NAME OF STOCKHOLDER	SHARES HELD	PERCENT OF SHARES
Acclaim Health Center, Ltd.		80%
Amucare Health Center, Ltd.		20%

5. Other Ownership

Owners

If your facility is a SOLE PROPRIETORSHIP, PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, or OTHER-owned, list the name of the owner(s), the address (es) of each owner, the owner(s)'s profession, and the business that employs each owner. If the owner is self-employed, indicate this by entering "SELF" in the PROFESSION column.

NAMES OF OWNERS	FULL ADDRESS	PROFESSION	BUSINESS NAME
N/A			

6. Contract Management

If management or operation of the ASTC is performed by independent contractor(s) and not an employee, list the individual name(s) and address(es) of the independent contractor(s). If management or operation is not performed by independent contractor(s), indicate this by checking the box.

Check here if not applicable

NAME	FULL ADDRESS
N/A	



APPLICATION ADDENDUM

This addendum must be completed as part of the following program/facility application:

Ambulatory Surgical Treatment Center

Home Health

Hospice

Hospital

Secion 10-65(c) of the Illinois Administrative Procedure Act, 5 ILCS 100/10-65(c), was amended by P.A. 87-823, and requires individual licensees to certify whether they are delinquent in payment of child support.

APPLICANT IS AN INDIVIDUAL (SOLE PROPRIETOR) Yes No

The following question must be answered only if the applicant is an Individual (sole proprietor):

I hereby certify, under penalty of perjury, that I am am not(chek one) more than 30 days delinquent in complying with a child support order.

Signed: _____

Date: _____

FAILURE TO SO CERTIFY MAY RESULT IN A DENIAL OF THE LICENSE AND MAKING A FALSE STATEMENT MAY SUBJECT THE LICENSEE TO CONTEMPT OF COURT. (5 ILCS 100/10-65-(C)).



SUPPLEMENT II

Personnel: List position and/or classification; name, education, experience, professional licensure or certification.

POSITION AND/OR CLASSIFICATION	NAME	LICENSE NUMBER, REGISTRATION CERTIFICATION, AND YEARS EXPERIENCE
Assistant Administrator	[REDACTED]	12 yrs
Assistant Manager/Medical Records	[REDACTED]	21 yrs
Laboratory Technician	[REDACTED]	26 yrs
Lab/Medical Assistant	[REDACTED]	9 yrs
Medical Assistant/Ultrasound Tech	[REDACTED]	13 yrs
Surgical Technician	[REDACTED]	5 yrs
Medical Assistant	[REDACTED]	3 months
Medical Assistant	[REDACTED]	1 month
Ultrasound/MA	[REDACTED]	5 yrs
Receptionist/Cashier	[REDACTED]	1yr
Receptionist/Cashier/MA	[REDACTED]	1 yr
Specimen Technician	[REDACTED]	24 yrs
RN	[REDACTED]	31 yrs License: [REDACTED]
RN	[REDACTED]	1 yr License [REDACTED]



SUPPLEMENT III

List Consulting Committee approved surgical specialties and procedures

Effective March 1, 1995, the Illinois Health Facilities Planning Board implemented a provision requiring a Planning Board permit for the addition of surgical specialties that had not been approved prior to March 1, 1995. Therefore, your application should not include specialties that require Planning Board approval. Surgical specialties can be added under your license once the Planning Board approval has been obtained.



ASTC Renewal Licensure Application Checklist

- Completed Application
- Articles of Incorporation
- Administrator's Resume
- Medical Director's Resume
- Supervising Nurse's Resume
- List of Medical Staff
- Separate list of Personnel Staff
- Surgical Procedures and services provided
- Renewal fee of \$300

Form **BCA-2.10**
(Rev. Jan. 1991)

ARTICLES OF INCORPORATION

PAID
NOV 12 1996

George H. Ryan
Secretary of State
Department of Business Services
Springfield, IL 62756

This space for use by Secretary of State

SUBMIT IN DUPLICATE!

FILED

NOV 12 1996

GEORGE H. RYAN
SECRETARY OF STATE

This space for use by Secretary of State

Date 11-12-96
Franchise Tax \$ 25.00
Filing Fee \$ 75.00
Approved: J \$ 100.00

Payment must be made by certified check, cashier's check, Illinois attorney's check, Illinois C.P.A.'s check or money order, payable to "Secretary of State."

1. CORPORATE NAME: Advantage Healthcare, Ltd.

(The corporate name must contain the word "corporation", "company," "Incorporated," "limited" or an abbreviation thereof.)

2. Initial Registered Agent: Joseph H. Horwitz
First Name Middle Initial Last name
 Initial Registered Office: 1776 S Naperville Road
Number Street Suite #
Wheaton IL 60187
City Zip Code DuPage County

3. Purpose or purposes for which the corporation is organized:
 (If not sufficient space to cover this point, add one or more sheets of this size.)
 The transaction of any or all lawful businesses for which corporations may be incorporated under the Illinois Business Corporation Act of 1983.

(44)

4. Paragraph 1: Authorized Shares, Issued Shares and Consideration Received:

Class	Par Value per Share	Number of Shares Authorized	Number of Shares Proposed to be Issued	Consideration to be Received Therefor
<u>Common</u> s		10,000	1,000	\$1,000.00

TOTAL = \$1,000.00

Paragraph 2: The preferences, qualifications, limitations, restrictions and special or relative rights in respect of the shares of each class are:
 (If not sufficient space to cover this point, add one or more sheets of this size.)

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11-4

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5. OPTIONAL: (a) Number of directors constituting the initial board of directors of the corporation: _____
 (b) Names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors are elected and qualify:

Name	Residential Address	City, State, ZIP

6. OPTIONAL: (a) It is estimated that the value of all property to be owned by the corporation for the following year wherever located will be: \$ _____
 (b) It is estimated that the value of the property to be located within the State of Illinois during the following year will be: \$ _____
 (c) It is estimated that the gross amount of business that will be transacted by the corporation during the following year will be: \$ _____
 (d) It is estimated that the gross amount of business that will be transacted from places of business in the State of Illinois during the following year will be: \$ _____


7. OPTIONAL: OTHER PROVISIONS

Attach a separate sheet of this size for any other provision to be included in the Articles of Incorporation, e.g., authorizing preemptive rights, denying cumulative voting, regulating internal affairs, voting majority requirements, fixing a duration other than perpetual, etc.

8. NAME(S) & ADDRESS(ES) OF INCORPORATOR(S)

The undersigned incorporator(s) hereby declare(s), under penalties of perjury, that the statements made in the foregoing Articles of Incorporation are true.

Dated 11-4, 19 96

	Signature	Address
1.	 Joseph H. Horwitz (Type or Print Name)	1776 S Naperville Road Suite 203-A Wheaton Ill 60187 City/Town State Zip Code
2.	_____ (Type or Print Name)	_____ City/Town State Zip Code
3.	_____ (Type or Print Name)	_____ City/Town State Zip Code

(Signatures must be in ink on original document. Carbon copy, photocopy or rubber stamp signatures may only be used on conformed copies.)
 NOTE: If a corporation acts as incorporator, the name of the corporation and the state of incorporation shall be shown and the execution shall be by its president or vice president and verified by him, and attested by its secretary or assistant secretary.

FEE SCHEDULE

- The initial franchise tax is assessed at the rate of 15/100 of 1 percent (\$1.50 per \$1,000) on the paid-in capital represented in this state, with a minimum of \$25.
- The filing fee is \$75.
- The minimum total due (franchise tax + filing fee) is \$100.
(Applies when the Consideration to be Received as set forth in Item 4 does not exceed \$16,667)
- The Department of Business Services in Springfield will provide assistance in calculating the total fees if necessary.

Illinois Secretary of State
 Department of Business Services

Springfield, IL 62756
 Telephone (217) 782-9522
 782-9523

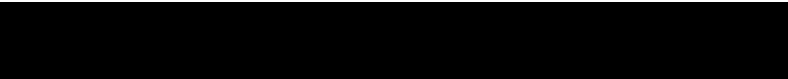


Advantage Health Care Ltd., Wood Dale IL

2012-Present

Acting Administrator

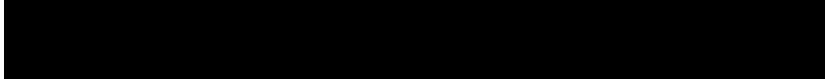
- Responsible for administrative aspects of facility
- Scheduling of nurses and clinical staff
- Inventory monitoring



2007-2014

Acting Administrator


- Responsible for administrative aspects of facility
- Scheduling of nurses and clinical staff
- Inventory monitoring



2003-2007

Office Manager

- Supervision and scheduling of office staff
- Assist administrator with projects
- Maintain employees' files



1999-2003

Executive Assistant

- Monitored building maintenance
- Drafted policies and procedures
- Created forms
- Composed correspondence



1998-1999

Executive Assistant

- Coordinated travel arrangements for executives
- Obtained and maintained certificates of insurance

[REDACTED]

1995-1998

Assistant to the President

- Resolved customer service issues
- Communicated with production and printing contractors

[REDACTED]

1991-1995

Administrative Assistant

- Managed office operations
- Provided administrative support
- Coordinated travel arrangements

[REDACTED]

1978-1989

HR/Administrative Assistant

[REDACTED], M.D.

CURRICULUM VITAE

Objective: To use the knowledge that I have gained from being an active Physician to continue to teach medical Residents, students, nursing students and nurse practitioner students about my field of expertise, Obstetrics/Gynecology in a hands on & active clinical environment

Education:

- 1972 Governmental Medical College
Punjabi University, Patiala, Punjab, India
(M.B.B.S) Medical Doctor
- 1972-1973 St. Elizabeth's Hospital
Chicago, Illinois
Rotating Internship
- 1973-1976 Mount Sinai Hospital Medical Center of Chicago
Chicago, Illinois
Obstetrics/Gynecology Residency

Continuing Medical Education:

- 1976 University of Milwaukee, Wisconsin
Post graduate course in Obstetrics/Gynecology
- 1980 Comprehensive post graduate course in Colposcopy
at Northwest University, Chicago, Illinois

Lectured medical students at Alexian Brothers Medical
Center and nurses at Good Shepherd Hospital
- 1980 Attended American College of Obstetrics/Gynecology
Annual Conference in New Orleans
- 1982 Attended World Biennial Conference of International
College of Surgeons in India
- 1985 Attended post graduate course November 1983 for
Gynecological Laser Surgery at Northwest Community
Hospital, Arlington Heights, Illinois

1990 Attended Ambulatory Surgery, Focus on Excellence Conference in Anaheim, California

1992 Attended Laparoscopy Conference in Chicago, Illinois

1992-Present Various CME Conferences & Activities on ongoing basis

2012-Present Teaching medical Residents, students, nursing students and nurse practitioner students, Obstetrics/Gynecology in a hands on & active clinical environment

Private Practice:

1976-1979 Chicago, Illinois

1980-1990 Barrington, Illinois

1990-Present Arlington Heights, Illinois

Present Affiliations:

Advocate Lutheran General Hospital
Park-Ridge, Illinois

St. Alexius Hospital
Hoffman Estates, Illinois

Medical Licensure:

Illinois [REDACTED] - 1974

Certification:

American Board of Obstetrics/Gynecology
November 1980

Place of Birth:

[REDACTED]

Marital Status:

[REDACTED]

R.N.

OBJECTIVE

To obtain a position in a medical environment utilizing my educational and professional background.

QUALIFICATION SUMMARY

- Over 11 years of experience in the medical field
- Recipient of the Luther Christian Excellence in Nursing Award
- Extremely capable of handling multiple tasks within a busy work environment.

CAREER EXPERIENCE

August 2007-Present Advantage Health Care, Ltd. Wood Dale, IL
Nursing Supervisor

August 2007 –April 2014 [REDACTED] Des Plaines, IL
Nursing Supervisor

August 2006 – August 2011 [REDACTED] Des Plaines, IL
Nursing Supervisor

2005-2006 [REDACTED] Des Plaines, IL
Staff Nurse

[REDACTED] Chicago, IL
Staff Nurse

- Primary nursing in surgical unit including ICU step-down unit, cardiac monitoring, chemotherapy, heavy post-op patients.
- Frequent charge nurse and preceptor
- Recipient 1986 Luther Christian Excellence in Nursing Award

EDUCATION BACKGROUND

Rush Presbyterian St. Luke School of Nursing
BSN

Harper College
Associates Degree
Trustee Honor Roll. 2 years

Exhibit V

List of Approved Procedures

Dilation and Curettage, Diagnostic and/or therapeutic
Dilation and Curettage
Dilation and Evacuation
Dilation and Extraction
Incision and Drainage of Bartholin Cyst
Excision and Bartholin
Endocervical Curettage
Endoscopy
Colonoscopy
Gastroscopy
Cystoscopy
Cataract surgery
Blepharoplasty
Colposcopy with biopsies, or biopsy of the Cervix
Laparoscopic tubal ligation with dilation and curettage for pregnancy termination
Laparoscopic tubal sterilization
Laparoscopic tubal ligation with dilation and extraction for 2nd trimester pregnancy termination
Vaginoplasty
Vaginoscopy
Vaginal Reconstruction
TVT sling surgery (tension free vaginal tape)
TOT sling surgery (transobturator tape)
Urethral Sling
Lithotripsy
Vasectomy

Exhibit V

List of Approved Procedures

Hysteroscopy, diagnostic

Hysteroscopy, surgical

Laser Vaporization of Vaginal Condyloma

Laser Vaporization of Vulvar Condyloma

Laser Urethral/Penile Condyloma

Laser Condyloma

Laser Surgery of Cervix

Laser Genital Condyloma

Loop Electrosurgical Excision (s) of cervix (LEEP)

Arthroscopy

Tonsillectomy

Myringoplasty

Rhinoplasty

Abdominoplasty

Pain Management

Bunionectomy

Breast Reconstruction

EXHIBIT THREE

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----- Forwarded message -----

From: **Jean Crocco** <jean@prolifeaction.org>

Date: Wed, Sep 9, 2015 at 10:58 PM

Subject: Fwd: Regarding Freedom of Information Request 1604911324

To: publicaccess@atg.state.il.us

Cc: "Bryant, William" <william.bryant@illinois.gov>

Dear Public Access Counselor,

I am appealing the redactions in the document attached. While I have no objection to the redaction of signatures and personal data like birthdates, the redaction of all names and license numbers of the employees is a new, and excessive, restriction of the public's right to know.

I have been receiving information on certain clinics for 4 1/2 years and this is the first time the names of the medical director and other employees have been redacted. Why? The public has a right to be able to verify medical licenses. The public has a right to know when a clinic has a staff turnover of greater than 50% each year. The public has a right to know whether the anesthesiologist is a convicted felon. That happens to be the case of the anesthesiologist at some of the other clinics owned by the same owner of this clinic. I want to know if he is on the staff of Advantage ASTC, among other things.

These records have been public in the past. They should continue to be. Can you cite a change in the law?

I request that the license application be resent with only the signatures and personal information (like birthdates or home addresses) redacted, but with the names of all persons employed or otherwise related to the clinic left in, as well as any professional licensing information.

Thank you,

Jean Crocco
Pro-Life Actin League

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EXHIBIT FOUR



525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • www.dph.illinois.gov

October 2, 2015

Via E-mail

S. Piya Mukherjee
Assistant Attorney General
Public Access Bureau
Office of the Attorney General
100 West Randolph Street
Chicago, Illinois 60601
smukherjee@atg.state.il.us

Re: Freedom of Information Request for Review 2015 PAC 37387

Dear Ms. Mukherjee,

This letter is in response to the recent request for review submitted by Ms. Jean Crocco concerning the partial denial of her Freedom of Information Act request for records regarding ambulatory surgical treatment center ("ASTC") licenses; specifically, the redactions made to the identifying information of employees of Advantage Health Care, Ltd. ("facility"), a non-public entity.

Ms. Crocco's request for records was received by the Illinois Department of Public Health ("IDPH" or "Department") on August 26, 2015. The Department, pursuant to Section 3(e) of the Freedom of Information Act ("Act"), 5 ILCS 140, availed itself of an extended response deadline to allow time for a proper determination of whether any of the records responsive to Ms. Crocco's request were exempt from disclosure under Section 7 of the Act. On September 9, 2015, pursuant to Sections 7(1)(b) and 7(1)(c) of the Act, the Department partially denied the request and produced a redacted copy of the application for licensure renewal submitted by the facility.

7(1)(b)

The Department partially denied the request pursuant to Section 7(1)(b) of the Freedom of Information Act, 5 ILCS 140. Section 7(1)(b) exempts from inspection and copying "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Private information is defined as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses." 5 ILCS 140/2(c-5). Private information also "includes home address and personal license plates, except as otherwise

1

provided by law or when compiled without possibility of attribution to any person." *Id.* The Department redacted a home address on page 19 of the documents provided to Ms. Crocco pursuant to this provision of the Act. Additionally, in accordance with the opinion issued by the Public Access Counselor ("PAC") in 2010 PAC 9838, IDPH redacted signatures contained throughout the responsive records.

7(1)(c)

The Department also partially denied the request pursuant to Section 7(1)(c) of the Act which exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." "Unwarranted invasion of personal privacy" is defined as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 7(1)(c). "The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.* Specifically, the Department determined that the place of birth and marital status of a facility employee, contained within a resume on page 19 of the responsive documents, was "highly personal" and redacted the information accordingly.

Additionally, pursuant to Section 7(1)(c), IDPH redacted the names of facility employees contained within the licensure application renewal form. The Department has determined that the disclosure of the names of employees working at a regulated Ambulatory Surgical Treatment Center ("ASTC") or Pregnancy Termination Specialty Center ("PTSC") constitutes a "clearly unwarranted invasion of personal privacy." The employees of the facility are not public employees, nor does the facility receive funds from the Department;¹ thus, the requirements of Section 7(1)(c) pertaining to the duties of public employees is not applicable.

Because the employees of the facility are not public employees, the Department views their choice of place of employment to be highly personal information, thereby requiring the Department to redact their names.

The decision to redact these names is in accordance with *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill.2d 401 (1997). *Lieber* sets forth 4 factors which may be utilized by courts to evaluate whether records are properly exempt as a "clearly unwarranted invasion of personal privacy" under FOIA:

- (1) the plaintiff's interest in disclosure;
- (2) the public interest in disclosure;
- (3) the degree of invasion of personal privacy; and
- (4) the availability of alternative means of obtaining the requested information.

¹ The Department cannot speak to whether or not the facility receives public funds from any other agency; however, a search of the Illinois Comptroller's website, <http://ledger.illinoiscomptroller.com/index.cfm/find-an-expense/by-vendor/>, did not identify any payments made to the facility for the years 2014 to date.

Lieber, 176 Ill.2d at 409.

(a) The Plaintiff's Interest in Disclosure

With respect to the first prong, the plaintiff's interest in disclosure, the Department did not make a presumption or inference as to the purpose of Ms. Crocco's original request beyond a simple evaluation as to whether or not the request was for a commercial purpose. The Department does not contest that Ms. Crocco has an interest in the records. However, that is not to say that Ms. Crocco's interest outweighs the personal privacy of the facility's employees. In her e-mail to the PAC, dated September 9, 2015, Ms. Crocco does make several statements regarding her interest in the records. However, she appears to make those statements on behalf of "the public," not herself personally. Thus, those statements are discussed in connection with the second factor below, the public interest in disclosure. Because Ms. Crocco has failed to articulate any personal interest in disclosure of the identities of these individuals, the Department correctly withheld documents under the prong one analysis.

(b) The Public Interest in Disclosure

In regards to the second prong, the public interest in disclosure, Ms. Crocco states in her September 9, 2015 e-mail to the PAC, that "[t]he public has a right to be able to verify medical licenses." She goes on to state that "the public has a right to know when a clinic has a staff turnover of greater than 50% each year" and "a right to know whether the anesthesiologist is a convicted felon." She also states that she "wants to know if [the anesthesiologist] is on the staff of Advantage ASTC, among other things."

The Department concedes that the qualifications of medical providers are, generally, of interest to the public. However, the Department asserts that the interest in the names and qualifications of ASTC employees (not just medical staff, but all staff, including a Receptionist/Cashier), beyond the requirements set forth in the Ambulatory Surgical Treatment Center Act, 210 ILCS 5, and the Ambulatory Surgical Treatment Center Licensing Requirements ("ASTC Code"), 77 Ill. Admin. Code 205, is not a matter of public interest to the extent that it requires disclosure of employee names in response to a FOIA request. Moreover, the Department is able to supply information necessary to allay Ms. Crocco's concerns without identifying these private-sector employees.

For example, all IDPH-licensed ASTCs must maintain personnel policies in compliance with Section 205.310 of the ASTC Code. 77 Ill. Admin. Code 205.310. Section 205.310 provides that (a) each ASTC shall have written personnel policies including job descriptions for each staff position; (b) prior to employing any individual in a position that requires a State license, the ASTC shall contact the Illinois Department of Professional Regulations to verify that the individual's license is active; and (c) the ASTC shall check the status of all applicants with the Nurse Aide Registry prior to hiring. *Id.*, see also 77 Ill. Admin. Code 205.220 (Organization Plan). The Department may verify that all or some of these requirements are being met during inspections of the facility; however, such verification does not result in an automatic determination that all documents reviewed by the Department in carrying out its regulatory function are open to the public and subject to release pursuant to a FOIA request. The

Department contends that a redacted and de-identified production of the employees' qualifications, as provided, is sufficient for the purposes of public disclosure.

(c) The Degree of Invasion of Personal Privacy

The third prong identified in *Lieber* requires examination of the degree of invasion of privacy the release of the records may create. *Lieber* clearly states that names and addresses² are basic identification information and do not rise to the level of private or confidential. However, the records in *Lieber* were the names of students accepted to attend Southern Illinois University ("SIU"); records that the University routinely provided to other parties. With respect to Ms. Crocco's request, the names of employees of ASTCs licensed by the Department are not routinely provided to any parties.³ The Department takes no affirmative steps to cause the publication of facility employee names as it would appear SIU did in *Lieber*.

Furthermore, the simple fact that a public body is in the possession of a name of an individual does not automatically create a requirement that the public body is now and forever required to provide the name of that individual in response to a FOIA request. In *Chicago Alliance for Neighborhood Safety v. City of Chicago*, 348 Ill.App.3d 188 (1st Dist. 2004), the court considered whether releasing the names and addresses of those who had submitted FOIA requests to the City of Chicago constituted a clearly unwarranted invocation of personal privacy. In upholding the exemption, the court found that disclosure could have chilled citizens' use of FOIA and would not further the core purpose of the FOIA, which is "to expose what the government is doing, not what its private citizens are up to." *Id.* at 208 (quoting *Lakin Law Firm, P.C. v. F.T.C.*, 352 F.3d 1122, 1124 (7th Cir. 2003)).

In addition, the court in *Chicago Alliance for Neighborhood Safety* extended the privacy exemption to citizens who voluntarily submitted their name and address to query their city government for records. With respect to Advantage Health Care's license renewal application at issue here, there is no voluntary submission of names by individual facility staff. Rather it was their employer, the licensed entity, which was required by Illinois law to submit the names and/or qualifications of its staff, regardless of the employee's individual wishes. This factor weighs heavily in favor of upholding the redactions made by the Department. *C.f., Judicial Watch, Inc. v. Food & Drug Admin.*, 449 F.3d 141, 152-53 (D.C. Cir. 2006) (court declined to release names and addresses of persons and businesses associated with the development of controversial abortion drug due to the risk of abortion-related violence and held, "In the absence of a legitimate public interest, the private interest in avoiding harassment or violence tilts the scales.").

(d) The Availability of Alternative Means of Obtaining the Requested Information

² Since the *Lieber* decision, the Act has been amended to exempt personal addresses under Section 7(1)(b) of the Act.

³ The Department concurs with Ms. Crocco that employee names have been provided in response to her prior FOIA requests. The Department has determined that this practice is no longer congruent with the current state of the law with respect to Section 7(1)(c) of the Act.

The fourth *Lieber* factor to be considered is the availability of alternative means of obtaining the requested information. Indeed, the Court in *Lieber* suggested that it would be preposterous for a public body to strictly read the FOIA to preclude the release of any names, and the Court specifically referenced medical care:

If the University's construction were correct and "personal information" embraced even basic identification, the public would have no right to learn the names of officials they had placed in office, and, under this statute, a person could not confirm that the doctor who was about to perform surgery on him was actually licensed to practice medicine. We do not believe the General Assembly intended such absurd results.

Lieber, 176 Ill.2d at 412.

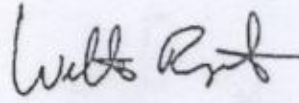
The Department generally agrees with this statement; however, it must be noted that the Department is not the licensing body for all staff employed by the facility. In Ms. Crocco's request for review, she expressed her interest in staff qualifications, purportedly so she (or the public) could determine whether facility employees are qualified. However, the records regarding staff qualifications are available from the facility, and can be confirmed with the appropriate state licensing body. There is no law prohibiting patients of Advantage Health Care from inquiring as to the qualifications of their medical providers; in fact the Department would recommend that they do so. Additionally, the facility staff is required to comply with the Medical Patient Rights Act, 410 ILCS 50. Section 6 of that Act requires staff to wear identification badges that readily disclose the first name, licensure status, if any, and staff position of the person examining or treating the patient or resident. Furthermore, the facility is required by the ASTC Code to keep a copy of each employee's license in the employee's personnel file. See 77 Ill. Adm. Code 205.310. If a patient of the facility wishes to verify their medical providers' credentials, they may request a copy of the license from the facility. As discussed, there are multiple options for patients of the facility -- whom the Department contends have the most interest in the qualifications of staff -- to determine the qualifications of the facility's medical providers.

Under this analysis, the Department has no duty to disclose this information and more importantly, it would fly in the face of an express public policy to safeguard the privacy of these Illinois citizens for the Department to disclose these names. The Department carefully weighed the potential for abuse of this information, and cannot comfortably accept that risk, especially when this request articulates no public interest in the disclosure.

In accordance with Section 9.5(c) of FOIA, I have attached unredacted copies of the records identified as being responsive to Ms. Crocco's request as requested with the understanding that the PAC will not further disclose the records.

If I can be of further assistance you can contact me at (217) 558-3403 or via email at DPH.FOIA@Illinois.gov, or write to me at 535 West Jefferson St., Springfield, IL 62761-0001.

Very truly yours,



William Bryant
Acting Freedom of Information Officer

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EXHIBIT FIVE

THOMAS MORE SOCIETY

A National Public Interest Law Firm

October 19, 2015

Via email: publicaccess@atg.state.il.us

S. Piya Mukherjee
Supervision Attorney
Public Access Bureau
500 S. Second Street,
Springfield, IL 62706

Re: FOIA Request for Review — 2015 PA 37387

This letter responds to the position letter sent by William Bryant, Acting Freedom of Information Officer, Illinois Department of Public Health (IDPH), in response to a FOIA request made by Jean Crocco of the Pro-Life Action League, in Chicago.

The August 26, 2015 FOIA request asked for "any inspections of any PTSCs [Pregnancy Termination Specialty Center] and my selected ASTCs [Ambulatory Surgical Treatment Center] available since the last time I requested them [May 12, 2015], along with any supporting documentation. I also request any license reapplications available (I believe there is at least 1 renewal at this time) for these same ASTCs/PTSCs."

The IDPH responded on September 9, 2015, by giving Mrs. Crocco some records but redacting "identifying information of employees of the facility in accordance with Section 7(1)(c) of the Act which exempts personal information for which 'the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information."

Mrs. Crocco appealed the partial denial by email of September 9, 2015. The IDPH sent a position statement to the appeal to the Public Access Bureau by letter dated October 2, 2015. Mrs. Crocco was notified of the IDPH position statement by letter dated October 6, 2015, which she received on October 8, 2015. A reply is due within 7 business days or October 20, 2015.

The IDPH redacted a home address on page 19 of the documents provided, and signatures contained throughout the responsive records. Home addresses are listed in the definition of "private information" in 7(1)(b) of FOIA, 5 ILCS 140/7(1)(b). PAC opinion 2010 PAC 9838 includes "signatures" in this category. Mrs. Crocco has no objection to these redactions.

But the IDPH also redacted the names of all owners and employees listed in the requested facility applications, the license numbers of the doctors and nurses, and any place of birth designation and marital status. Mrs. Crocco does not object to redaction of place of birth and marital status information, but does object to redaction of names and license numbers of the owners and employees of the facilities which are the subject of the FOIA request.

The IDPH did not cite FOIA Section 7(1)(b) as the basis for redaction of this information, but rather 7(1)(c). The information (names and professional license numbers) is not included in the definition of "private information" in 5 ILCS 140.2(c-5) and therefore does not fall under the exemption of 7(1)(b). Public Access Opinion 12-003 (Request for Review 2011 PAC 17006) explained the rationale for this position as follows:

Names are not specifically included in the definition of "private information," and a name is not ordinarily sufficiently unique to identify a specific individual because many persons have the same name. See *U.S. v. Mitchell*, 518 F.3d 230, 234 (4th Cir. 2008). As pointed out by the Illinois Supreme Court in *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 412 (1997), if basic identification were exempt from FOIA that would lead to absurd results, such as the public having no right to learn the names of government employees or elected officials.

Id. at p. 7. Rather, the IDPH redacted the names and license numbers of owners and employees listed in the license applications on the grounds that they constituted "personal information" exempt from disclosure under Section 7(1)(c), 5 ILCS 140/7(1)(c). But Public Access Opinion 12-003 (Request for Review 2011 PAC 17006) also addresses the exemption of names under Section 7(1)(c):

As the Supreme Court stated with respect to an earlier version of the exception, the phrase 'personal information' must have been intended by the legislature to be understood not in the sense of basic identification, but in the sense of information that is 'confidential' or private.'" *Lieber*, 176 Ill. 2d at 412. This office has consistently concluded that Names do not qualify as "personal information" under the section 7(1)(c) exemption. See Ill. Att'y Gen. PAC Pre-Auth. dl11157, issued December 9, 2010 and Ill. Att'y Gen. PAC Pre-Auth. 1d114195, issued May 24, 2011.

The IDPH did not see fit to cite this Opinion and the Pre-Authorization Opinions in its letter to Mrs. Crocco partially denying her FOIA request.

Even though the IDPH admitted that it has in the past disclosed such information to the requester, it asserted (at page 4, fn. 3) that "[t]he Department has determined that this practice is no longer congruent with the current state of the law with respect to 7(1)(c) of the Act." The IDPH's explication of the current state of the law is flatly wrong and therefore cannot justify its change in practice.

The IDPH discussed the Illinois Supreme Court decision in *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill.2d 401 (1997), which upheld disclosure of names and addresses of students accepted to attend Southern Illinois University. The IDPH noted that the Illinois FOIA law was then amended to exempt home addresses from disclosure (not names), and that a factor supporting the Illinois Supreme Court's decision was that the University's practice of routinely providing the records (of names and addresses) to other parties, a practice which the IDPH said it has not followed with respect to names of individuals identified in license and license renewal applications. (But it had, by its own admission, routinely supplied

this information to Mrs. Crocco. The IDPH did not say whether anyone else had asked for such information.)

The IDPH cited two cases decided after *Lieber, Chicago Alliance for Neighborhood Safety v. City of Chicago*, 348 Ill.App.3d 188 (1st. Dist. 2004), and *Judicial Watch Inc. v. Food & Drug Admin.*, 449 F.3d 141, 152-53 (D.C.Cir.2006), as supporting its change of practice. But these cases also involved names *and addresses* and so the exemption decisions in these cases are consistent with Illinois' legislative action to exempt home addresses from disclosure. The decisions provide no support for the IDPH's change in practice to redact names where home addresses are not involved. The already cited 2012 Opinion (12-003), inexplicably not mentioned by the IDPH, represents current Illinois law and disallows redaction of names. The same result is required regarding the professional license numbers. These numbers allow only verification of current professional status as a doctor or nurse and do not by themselves or in combination with a name provide a key to private personal information about the individual. It would not be a "clearly unwarranted invasion of personal privacy," see FOIA Section 7(1)(c), to disclose this information to Mrs. Crocco.

Applying the balancing test of the public's interest in disclosure of specific information against the individual's privacy interests also supports disclosure. Public Access Opinion 15-009 (2015 PAC 35840), citing *Gibson v. Illinois State Board of Education*, 289 Ill.App.3d 12, 20-21 (1st Dist.1997), specifies four factors to be considered and weighed in making a personal privacy exemption determination:

"(1) the [requester's] interest in disclosure, (2) the public interest in disclosure, (3) the degree of invasion of personal privacy, and (4) the availability of alternative means of obtaining the requested information." *National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill.App.3d 1, 13 (1st Dist. 2010).

Id. at p. 5. The Opinion stresses that a public body has a high standard to justify exemption on the basis of personal privacy:

The General Assembly's use of the language "*clearly unwarranted invasion* of personal privacy" evinces a "stricter standard to claim exemption" which the public body possessing the records bears the burden of sustaining. (Emphasis in original.) *Schessler v. Department of Conservation*, 256 Ill. App.3d 198, 202 (4th Dist. 1994).

Id. The four factors clearly support disclosure of the information requested (names of the owners and employees, and professional license numbers of the professional employees).

Mrs. Crocco requested the information to enable her (and the public) to know whether the PTSC's and ASTC's are complying with the laws and regulations applicable to them. The IDPH says that it can "supply information necessary to allay Mrs. Crocco's concerns without identifying these private-sector employees." Position Letter at p. 3. In fact the IDPH for many years failed to perform any inspections or surveys of these facilities. Inspections are being made now and Mrs. Crocco has an interest in making sure they continue and are conducted

properly. As an example, it was discovered, in part through Mrs. Crocco's efforts, that a clinic in Rockford had no registered nurse at the facility, which later led to the facility's closure for repeated regulatory violations. See <http://www.rstar.com/x713188378/Rockford-abortion-clinic-closing-draws-reaction-from-both-sides>. The name and license numbers of the professional employees (doctors and nurses) in applications for new or renewed licenses are useful and important to verify the presence and active licensure of required professional clinic employees. Names are also useful to verify whether certain individuals may legally work at the facilities. (For example, Mrs. Crocco knows of a physician who is a convicted felon who cannot legally be working at a clinic.) Redaction of this information will harm Mrs. Crocco's verification efforts.

Mrs. Crocco also needs the information she has requested in order to keep track of changes of ownership in the facilities so that re-licensing inspections are properly conducted as required. And she is interested in employee turnover as a measure of the quality of clinic operations. In these concerns Mrs. Crocco is not interested in private individuals' personal information, but only in whether the clinics are operating within the law, a public interest. The IDPH's redactions remove her ability to accomplish her aim.

The IDPH completely mis-weighs the balancing test's first and second factors (personal and public interest in disclosure). It asserts that Mrs. Crocco "has failed to articulate any personal interest in disclosure of the identities of these individuals." In fact, Mrs. Crocco's personal interest in the requested information is the same as the IDPH's own interest (reflecting its responsibility) in ensuring that the facilities conform to regulation. In that respect Mrs. Crocco's "interest is aligned with the public interest in disclosure. . . ." Public Access Opinion 15-009, *supra*, at p. 6. Both factors therefore favor disclosure of the information. The IDPH's citation of *Lakin Law Firm P.C. v. F.T.C.*, 352 F.3d 1122 (7th Cir. 2003), to the effect that "the core purpose of the FOIA is to expose what the government is doing, not what its private citizens are up to," totally miscomprehends Mrs. Crocco's obvious public purpose.

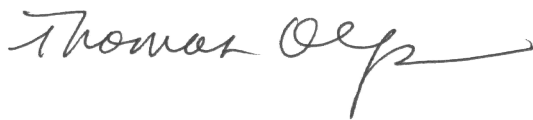
The above-cited 2012 Opinion (12-003) already deals with the third factor (the degree of invasion of personal privacy). Disclosure of names does not violate personal privacy since names are not unique identifiers. The IDPH may be insinuating (by citing the *Judicial Watch* case as involving "the risk of abortion-related violence") that Mrs. Crocco somehow poses a danger to the named employees, but there is no factual basis for the insinuation and, in any event, unique identifiers are not disclosed. The IDPH's admission that it has been supplying this information to Mrs. Crocco for years without incident also contradicts its change of position now.

The fourth factor (alternative means of obtaining the requested information) cuts in favor of disclosure too. The IDPH states that the "records regarding staff qualifications are available from the facility, and can be confirmed with the appropriate state licensing body." Position Letter, p. 5. Perhaps the IDPH can walk into any of these facilities without question, but Mrs. Crocco, as a pro-life citizen, cannot do so. She would be arrested for trespassing before making her request. In other words, there is no way to get the information Mrs. Crocco is requesting

apart from her FOIA request. And while a clinic patient may have a right to this information in the clinic, Mrs. Crocco, who is not a patient, has a right to obtain it through FOIA.

For these reasons, Mrs. Crocco asks that the PAC reject the IDPH's position as not satisfying the "'stricter standard to claim exemption' which the public body possessing the records bears the burden of sustaining" in cases of personal privacy exemption. Public Access Opinion 15-009 (2015 PAC 35840), quoted above. Mrs. Crocco asks that the PAC order the IDPH to provide her with the information she requests, as was its practice for years until this FOIA request, without redaction of names and professional license numbers of employees.

Sincerely,



Thomas Olp, Attorney
Thomas More Society
A National Public Interest Law Firm
19 S. La Salle St. Suite 603
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Fax. 630-782-1887

Attorney for Jean Crocco

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EXHIBIT SIX



November 3, 2015

Via E-mail

S. Piya Mukherjee
Assistant Attorney General
Public Access Bureau
Office of the Attorney General
100 West Randolph Street
Chicago, Illinois 60601
smukherjee@atg.state.il.us

Re: Freedom of Information Request for Review 2015 PAC 37387

Dear Ms. Mukherjee,

The Illinois Department of Public Health (Department) is in receipt of the October 19, 2015 letter from Thomas Olp of the Thomas More Society, which was submitted to the Public Access Counselor (PAC) in response to the Department's answer to Ms. Jean Crocco's PAC appeal. The Department is writing for two reasons: (1) to point out the late submission of Mr. Olp's response letter; and (2) to apprise the PAC of additional information recently discovered by the Department which bears upon important issues in this PAC appeal.

First, as a preliminary matter, the Department requests that the PAC disregard the response submitted by Mr. Olp because it was not timely filed. The PAC's notification to Ms. Crocco that the PAC was in receipt of the Department's answer is dated October 6, 2015. Mr. Olp's response is dated October 19, 2015, a full 8 business days after the PAC's October 6 notification (accounting for the Columbus Day holiday on October 12). The October 6 letter from the PAC to Ms. Crocco, which states that she may file her reply "within 7 business days of receipt of this letter," includes language not within the statutory provisions of Section 9.5(d) of the Freedom of Information Act (the Act). Specifically, Section 9.5(d) states as follows:

Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the public body may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged

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confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the public body.

As set forth above, the first sentence of Section 9.5(d) does provide a “tolling” of the 7 business day deadline, which allows the public body to respond within 7 business days *after it receives a copy of a request for review*. However, the statute does *not* provide a similar tolling for the requestor in the last sentence of that same section. Rather, the plain language indicates that the 7 business day deadline begins to toll upon the PAC forwarding a copy of the public body’s answer to the requestor. Because the requestor’s letter was untimely, the Department requests that the PAC disregard it.

Second, notwithstanding the above objection to the late filing of the requestor’s response, the Department has identified a recent article in the Washington Post, which it feels needs to be brought to the PAC’s attention. The article is authored by a physician who provides abortion services, and supports the Department’s assertions that the release of the names of employees of a facility that provides abortion services is exempt under Section 7(1)(c) of the Act. The article is available electronically at the following address, and a pdf copy of the article is attached.

<https://www.washingtonpost.com/posteverything/wp/2015/10/29/being-a-doctor-who-performs-abortions-means-you-always-fear-your-life-is-in-danger/>

In the article, the author, Dr. Diane J. Horvath-Cosper, makes the following statement:

I am an obstetrician-gynecologist. Among the many medical services I provide my patients, I also perform abortions for women who need them. That’s made me a target for harassment online and in person over the course of my career.

Dr. Horvath-Cosper’s article additionally provides a link to <http://abortiondocs.org/>, a site that routinely publishes documents pertaining to abortion clinics. In fact, the site on its page for Whole Women’s Health of Peoria (available at <http://abortiondocs.org/clinic/surgical/267/peoria-whole-womens-health-of-peoria-formerly-national-health-care/>) includes licensing documents (under “Licenses”) which contain records that appear to have been released by the Department pursuant to a FOIA request by Ms. Crocco. While the Department cannot confirm the source of the records published on the site, the records bear the hallmark redactions to signatures which are unique to FOIA responses and not characteristic of records released by the Department through other methods. In addition, the Department has identified a FOIA request for licensure records for this particular facility received prior to the Department implementing the policy of redacting the names of employees pursuant to Section 7(1)(c). This particular request was received from Ms. Crocco and logged as FOIA request 1504911045 on June 8, 2015, and the Department

responded to the request on June 12, 2015, with records identical to the records posted on the website.

The Department has no control after the release of the records released in response to a FOIA request; however, the fact that records likely released by the Department in response to FOIA requests are present on a website that Dr. Horvath-Cosper refers to as a “new and terrifying place” strongly suggests that releasing the names of employees of facilities that provide abortion services is a clearly “unwarranted invasion of personal privacy,” warranting exemption under Section 7(1)(c) of the Act.

If I can be of further assistance you can contact me at (217) 558-3403 or via email at DPH.FOIA@Illinois.gov, or write to me at 535 West Jefferson St., Springfield, IL 62761-0001.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William Bryant', written in a cursive style.

William Bryant
Acting Freedom of Information Officer

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The Washington Post

Being a doctor who performs abortions means you always fear your life is in danger

Threats and violence are no way to disagree



By Diane J. Horvath-Cosper October 29

Diane J. Horvath-Cosper is a board-certified obstetrician-gynecologist and a family planning fellow in Washington, D.C.

Every few months, I do an Internet search for my name, as recommended by a media-savvy colleague. In the past I've found myself in all the predictable places — among a list of doctors who graduated from my residency program, on my employer's Web site, in various social-media posts. But in the stillness of a warm evening this past August, after putting my daughter to bed, I found myself in a new and terrifying place: an anti-choice [Web site](#) that claims I am part of an "abortion cartel." In addition to my office address and links to find my medical license numbers, it features several photos of me. In one of the photos, taken from social media, I'm holding my then-15-month-old daughter.

Though the site [claims](#) to be "informational" in nature, the real purpose is clear. There is no better way to intimidate and incite fear than to target a family member, especially a child. The message is unambiguous: I'm being watched, and so is my daughter.

I am an obstetrician-gynecologist. Among the many medical services I provide my patients, I perform abortions for women who need them. That's made me a target for harassment online and in person over the course of my career. Unfortunately, my experience is not the exception among my colleagues who perform what the Supreme Court has repeatedly ruled is a legal medical procedure in all 50 states.

Before I moved my practice to D.C., I worked in a family-planning clinic in Minnesota, where security guards had to escort doctors, nurses and other employees from our cars while anti-choice extremists wrote down our license plate numbers and took photographs. After a while, I stopped hearing the wild accusations and prayers they shouted at staff and patients alike. When a new clinic building was constructed, it included an enormous locking gate, a tall perimeter fence and secure underground parking.

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This extraordinary level of security is simply not necessary at any other kind of medical facility, because this kind of abusive behavior doesn't happen in other fields.

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On Twitter and Facebook, I'm not shy about the fact that I am an OB-GYN. I believe physicians must engage in public discourse wherever it is happening, and we must be voices for evidence-based medicine both in and out of the office. There is still an incredible amount of stigma surrounding abortion and other reproductive health issues, and I hope that doctors' willingness to share their stories will help women feel empowered to share theirs. The people who harass me and other doctors tell me that I have blood on my hands, that "[Satan awaits](#)" me and that I will get what I "deserve" for providing a constitutionally protected, necessary medical service. The Internet makes it easy and virtually anonymous to issue these inflammatory and threatening statements.

As a mother, it is especially difficult to shoulder this risk as a cost of doing my job. When I am out in public, I remain intensely aware of my surroundings: Every time I turn the ignition key in my car, there's a fraction of a second of panic that someone may have planted a bomb. On public transit, if strangers' gazes linger for more than a few seconds, I wonder if they recognize me and if their intentions are sinister. I fear for the safety of my child. I worry that protesters may someday show up at her day care, focused on hurting her as a way to punish me. Seeing her face on the anti-choice Web site made me consider that maybe she would be safer living apart from me and that my presence in her life might cause her more harm than good. While I refuse to be intimidated from doing my job, this assault on my confidence as a mother has been particularly distressing.

Numerous colleagues have similar stories. On social media, I've witnessed [friends and mentors](#) called murderers, Nazis, racists and whores. The threats can be vague ("I hope someone does to you what you

do to babies”) or terrifyingly specific (“I know where you live, and someday I might show up at your doorstep”).

Too often, these threats are not all talk: In the past two decades, 13 physicians or staff members at abortion-providing facilities have been [killed or seriously injured](#).

In September, in picturesque Pullman, Wash., a city of 30,000, someone snuck up to a Planned Parenthood clinic in the middle of the night. The arsonist smashed a window, then tossed in what was later described as a firebomb. Thankfully, there were no injuries, but the health center now needs to be rebuilt, leaving patients without a place to get needed care. A [federal terrorism task force](#) is investigating.

In New Orleans, firefighters were called in August to respond to a [car fire](#) within the locked gates of a Planned Parenthood construction site. The intended target: a clinic that will provide abortions as well as other preventive and reproductive health services. This month, someone broke into a Planned Parenthood clinic in Claremont, N.H., and [used a hatchet](#) to destroy computers, phones and medical equipment.

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We already know what abortion-provider violence looks like at its worst. In Kansas, physician George Tiller was subject to protests at his clinic for years. Eventually, the protesters also targeted his home and his church. His clinic was bombed. In 1993, he was shot in both arms; he courageously returned to work. In 2009, [he was murdered](#) while in the supposed safety of his place of worship, handing out the church bulletin. He was the fourth abortion provider killed since 1993.

Fortunately, attacks of this magnitude are rare. But they should not exist at all — especially not as a response to trained, committed health-care professionals providing a legal, essential service that (by some estimates) [1 in 3 women](#) will obtain during their lifetimes.

Last year, a [survey](#) conducted for the Feminist Majority Foundation found that nearly 20 percent of clinics have been subject to the most severe types of anti-abortion violence, including stalking, facility invasions and blockades. More than half of the clinics surveyed reported some form of intimidation, one-quarter of them on a daily basis. A small minority of clinics, 12 percent, reported never experiencing anti-abortion activity.

Family planning is a specialty. In addition to medical school and OB-GYN residency, family-planning specialists have fellowship training that includes years of in-depth instruction on how to provide all methods of abortion care safely and effectively.

But family-planning specialists must also be trained in non-medical skills. National advocacy organizations have had to develop curricula to address security issues (the National Abortion Federation began offering seminars in risk management 35 years ago). Physicians, nurses and clinic staffers are taught to identify suspicious phone calls. We learn how to screen people who might be posing as patients but who are actually trying to infiltrate the safety of the clinic. We have protocols and run emergency drills to prepare for a bomb threat or a shooting.

As hard as it is for physicians and staff who work at these clinics, the impact isn't just on providers. When patients are confronted by threats and intimidation, some of them are too frightened to enter the clinic to get the care they need. These women deserve empathetic, respectful care — which is what my colleagues and I have studied and practiced for years to give them — not judgement, and not violence. Targeting clinics also prevents women from getting other essential medical services, from cancer screenings to ultrasounds to sexually transmitted-infection testing and treatment.

I chose to become an abortion provider because I respect the autonomy of women, and I trust them to decide what's best for themselves and their families. Because I understand why women want to finish school, to start careers. Because I believe every child should be cherished, and because I value the ability to plan whether and when to have a family. I chose to do this because of pregnancies that didn't turn out as anticipated and because of women whose lives and health must be protected.

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I stand by what I do. I know that it is contentious. But threats and violence are not the appropriate way to debate. Americans of good conscience can disagree about the morality of abortion, but we should all agree that no physicians ought to be terrorized for doing their jobs.

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"I've had people ask me if having a child changed my feelings about abortion, or if I would no longer be an abortion provider. If anything, the incredible responsibility of caring for my amazing daughter has made me realize that parenting should be something that is entered into willingly and (ideally) joyfully. I will continue to provide abortions for my patients because a world of wanted children is the kind of world I want my daughter to grow up in."

Diane Horvath-Cosper

#pregnancy #parenting #pro-choice #ProChoiceParents #abortion providers

36 notes Jun 16th, 2015





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2016-CH-06918
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PRO-LIFE ACTION LEAGUE; JEAN CROCCO

v.

IL DEPT. PUBLIC HEALTH

No. 2016-CH-06918

Defendant Address:

IL DEPT. PUBLIC HEALTH

122 S. MICHIGAN AVENUE

CHICAGO, IL 60603

[X] SUMMONS [] ALIAS - SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

[X] Richard J. Daley Center, 50 W. Washington, Room 802, Chicago, Illinois 60602

[] District 2 - Skokie

5600 Old Orchard Rd. Skokie, IL 60077

[] District 3 - Rolling Meadows

2121 Euclid 1500 Rolling Meadows, IL 60008

[] District 4 - Maywood

Maybrook Ave. Maywood, IL 60153

[] District 5 - Bridgeview

10220 S. 76th Ave. Bridgeview, IL 60455

[] District 6 - Markham

16501 S. Kedzie Pkwy. Markham, IL 60428

[] Richard J. Daley Center

50 W. Washington, LL-01 Chicago, IL 60602

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

[] Atty. No.: 59329

Name: OLP THOMAS G

Atty. for: PRO-LIFE ACTION LEAGUE

Address: 1713 SHIRE COURT

City/State/Zip Code: WHEATON, IL 60189

Telephone: (630) 220-7329

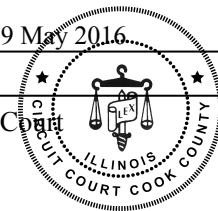
Primary Email Address: tolp@conwin.com

Secondary Email Address(es):

tomolp@gmail.com

Witness: Thursday, 19 May 2016

DOROTHY BROWN, Clerk of Court



Date of Service:

(To be inserted by officer on copy left with Defendant or other person)

**Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

Chancery DIVISION

Litigant List

Printed on 05/19/2016

Case Number: 2016-CH-06918

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Plaintiffs

Plaintiffs Name	Plaintiffs Address	State	Zip	Unit #
PRO-LIFE ACTION LEAGUE				
JEAN CROCCO				

Total Plaintiffs: 2

Defendants

Defendant Name	Defendant Address	State	Unit #	Service By
IL DEPT. PUBLIC HEALTH	122 S. MICHIGAN AVENUE CHICAGO,	IL	60603	Sheriff-Clerk

Total Defendants: 1