

My name is Jayne Mitchell-Werbrich. I worked as a registered nurse at Planned Parenthood part time for approximately 27 days between April 20 and August 8, 2012.

The first problem I noticed at Planned Parenthood of Delaware was the dangerous behavior of Dr. Timothy Liveright. In no particular order, I saw Dr. Liveright slapping a patient, placing patients about to receive abortion procedures on operating tables still wet with the blood from the previous patient, refusing to use sterile gloves during sterile procedures, singing hymns about sin to girls during the painful dilation phase of an abortion, acting condescending to African American patients by implying they were ignorant, performing rushed abortions in only eight minutes, allowing sedated patients to wander down Market Street dazed and confused, leaving sedated patients while attending to a mechanical problem involving his private airplane, playing Peek-A-Boo with patients, and much more.

Unfortunately, I had only scratched the surface of the problems at Planned Parenthood of Delaware. On June 26, I met with Dr. Carole Meyers, the Medical Director of Planned Parenthood, to notify her of the inappropriate behavior of Dr. Liveright. She told me that she was aware of the inappropriate behavior Dr. Liveright was displaying. However, she refused to remove Dr. Liveright from Planned Parenthood. After she refused to take action, I sent a note to the entire management team on July 14, 2012.

It later became clear that Dr. Liveright was far from the only problem. The entire practice managed by Dr. Carole Meyers was on the verge of sinking. On at least seven occasions (and I only worked 27 days), Rh negative patients who

absolutely needed a RhoGAM injection within the first seventy two hours after an abortion to protect future pregnancies would leave the building without getting RhoGAM. It was not uncommon to chase down patients on Market Street to bring them back in for their RhoGAM injection. In one case, a patient had requested not to be called by Planned Parenthood after her abortion for privacy reasons. But I had to call her, pretend not to be Planned Parenthood, and ask her to come back in for her RhoGAM injection. I brought this issue to the attention of Dr. Meyers. She had been aware of the missed RhoGAM issue and offered a proposed solution to prevent patients from missing the RhoGAM injection. Dr Meyers proposed that the RhoGAM injections be administered in the abortion surgical room rather than the recovery room area to ensure patients would not leave without getting the appropriate injection. Dr. Meyers never followed through with her own proposal.

No policy, no procedure, no guideline, or medication manual of any kind were made available to staff. These manuals are absolutely necessary when providing patient care. For example, when administering IV sedation a nurse must have knowledge regarding the medication and how that medication is to be administered safely to a patient. Nurses refer to medication manuals to obtain this type of information. At Planned Parenthood no medication manuals existed.

The Health Insurance Portability and Accountability Act (HIPAA) requires patient's health information to be protected and confidential. At Planned Parenthood, the HIPAA requirements were ignored. Patients in the abortion recovery room were crowded together in a small room without dividers or even curtains. Patients often asked not to be seated next to people they knew. The

nurse on- call binder pages were printed on the back of sensitive patient records that had been taken out of patient charts. This violates the privacy of the patient and deprives their chart of information that may be necessary for clinical staff to treat the patient going forward. It also makes it very awkward for nurses conscientious about following the HIPPA privacy rules who need to use the on-call binder.

This is a very small sampling of the immense problems I witnessed at Planned Parenthood in Delaware in the very short time I was there. I reported all of these to the Division of Public Health in the Department of Health and Social Services as well as the Division of Professional Regulations. I even called the Governor's office to notify them of the problems I had seen.

In this testimony, I am going to focus on some of the startling similarities between the situation with Planned Parenthood of Delaware and Dr. Kermit Gosnell's clinic in Philadelphia. Dr. Gosnell is notorious in the Philadelphia-Wilmington area. He ran a filthy clinic and was convicted of murder after performing late term abortions where babies that were born alive were killed. I was not aware of such horrifying happenings at Planned Parenthood of Delaware. The similarity between the case of Dr. Gosnell and Planned Parenthood of Delaware is that they both operated extremely hazardous abortion clinics and that their respective states refused to close them despite repeated warnings.

According to the Gosnell Grand Jury report that resulted in the arrest of Dr. Gosnell, the Commonwealth of Pennsylvania had been warned about the horrid conditions: Quote: "Indeed, in many ways State had more damning information than anyone else. Almost a decade ago, a former employee of Gosnell presented

the Board of Medicine with a complaint that laid out the whole scope of his operation: the unclean, unsterile conditions; the unlicensed workers; the unsupervised sedation ... The department assigned an investigator, whose investigation consisted primarily of an offsite interview with Gosnell. The investigator never inspected the facility, questioned other employees, or reviewed any records. Department attorneys chose to accept this incomplete investigation, and dismissed the complaint as unconfirmed.” Endquote.

I noticed a very similar response from both the Division of Public Health and the Division of Professional Regulation in Delaware. For months, after my numerous reports, both agencies refused to inspect Planned Parenthood. The problems at Planned Parenthood, some of which I have just described, were so bad that I wouldn't want anyone to be treated there. Why would these agencies allow Planned Parenthood of Delaware to continue to operate and provide unsafe abortions? Why would the Department of Professional Regulations not take licensing action against Dr. Timothy Liveright and Dr. Carole Meyers?

This year on May 29, 2013, the Division of Public Health and the Division of Professional Regulation finally announced that over the course of the last year, they had completed two investigations of Planned Parenthood – one on August 24, 2012 and the second with the report date of April 24, 2013. I had already been verbally told the timing of and the findings of the August 24, 2012 investigation by Mary Peterson of the Division of Public Health on September 9, 2012.

Unfortunately, in spite of the serious problems that I have discussed today and reported to the Division of Public Health, they apparently failed to do an

adequate inspection on August 24, 2012. The Division of Public Health found almost none of the serious medical problems that I had warned them about. According to Mary Peterson of the Division of Public Health, they spent time talking to the Planned Parenthood employees about hand washing. This is the kind of thing preschool children need to be taught. But preschool children are not performing serious laboratory testing, cleaning hazardous materials, and making important medical decisions for patients. The Division of Public Health failed to discover that the health care assistants – mostly high school graduates without any prior medical training – were making dangerous medical mistakes.

I also filed a complaint with a federal agency, the Occupational Safety and Health Administration (OSHA) on August 9, 2012. They sent serious inspectors. OSHA only investigates hazards to the health of the employees. The vast majority of the problems at Planned Parenthood involved health dangers to the patients. The health risks to the employees were only a small fraction of the problems at Planned Parenthood. However, OSHA discovered that the health care assistants had never received proper medical training. As a result, they were subjecting themselves to immense risk. For example, the suction equipment at Planned Parenthood that was used during abortions was supposed to be cleaned by Health Care Assistants. I personally saw the Health Care Assistants cleaning the blood and body fluids from the suction equipment without using universal precautions such as goggles or even a face shield. This put the employees at serious risk of contracting a blood borne pathogen.

OSHA fined Planned Parenthood thousands of dollars for failing to protect employees. I told the Division of Public Health and the Division of Professional

Regulation about these findings. Jean Bentley of the Division of Professional Regulation told me that, "If [I] ever get a copy, [she] would like to see it." and asked, "how I found out about it?" I was amazed by this request that the Division of Professional Regulations could not obtain a public report from the federal government.

When I inquired on December 12, I was told that my case was closed. It was eerily similar to the employee who had tried to warn Pennsylvania about Dr. Gosnell. However, in February, I obtained the report from OSHA that was based on their inspection conducted on October 12. This was an important development. I knew then that the serious problem of untrained staff that was putting employees in danger was undoubtedly endangering patients as well. However, I knew that the Division of Public Health did not recognize this fact.

However, an obvious problem remained. If the health care assistants were not even well trained enough to protect themselves from contamination, how could the Division of Public Health have possibly concluded that they were adequately protecting the patients from contamination and other medical hazards?

I would like to note another strong parallel with the Dr. Gosnell case from the Gosnell Grand Jury report: Quote: "The same thing happened at least twice more: the department received complaints about lawsuits against Gosnell, but dismissed them as meaningless. A department attorney said there was no 'pattern of conduct. Apparently, the missing piece in the 'pattern' was press coverage. Once that began, after the raid, the department attorney quickly managed to secure a license suspension against Gosnell." Endquote.

I had a very similar experience with Planned Parenthood of Delaware. Armed with my OSHA report which demonstrated the inadequacy of the investigation, Joyce Vasikonis and I interviewed with Wendy Saltzman of ABC Action News on February 28th. However, the report was not aired immediately.

Much like the Dr. Gosnell case, a series of patient emergencies is what got Planned Parenthood of Delaware into trouble. On January 4, a woman had been rushed to the emergency room. On February 8, a second woman had been rushed to the emergency room. On February 16, a third woman was rushed to the emergency room. On March 1, a fourth woman was rushed to the emergency room. On March 13, a fifth patient was rushed to the emergency room.

Once all these emergencies occurred, Investigative Reporter Wendy Saltzman reported this story on Channel 6 WPVI in Philadelphia on April 9. After months of pleading the Division of Public Health and the Division of Professional Regulation to act to protect patients, the Division of Public Health finally inspected Planned Parenthood on April 15, 2013.

However, even after the exposure by Action News in Philadelphia, the State of Delaware still refused to suspend the licenses of Drs. Timothy Liveright and Carole Meyers and close down Planned Parenthood of Delaware. Planned Parenthood suspended their own surgical abortion procedures in the face of the negative publicity. The State of Delaware refused to provide me the results of their report.

On May 29, the first legislative hearing was hosted in Dover. On that day, there was a great deal of media coverage. The State of Delaware released the

results of its inspection and the Attorney General suspended the license of Dr. Timothy Liveright but not Dr. Carole Meyers, the next day, May 30.

Most of the serious health risk violations that I had repeatedly attempted to report related to abortion. Abortions in Wilmington were performed every Friday. However, the Division of Public Health decided to inspect Planned Parenthood on a Monday during the weeks when Planned Parenthood had suspended their surgical abortions in the face of negative publicity. This made it impossible to actually inspect Planned Parenthood's abortion procedures. Monday is a day when Planned Parenthood hands out pills; Planned Parenthood does not perform abortions. As a result of inspecting an abortion clinic for abortion violations on a non-abortion day, the Division of Public Health ensured that they would not find any abortion violations. Why did the Division of Public Health investigate on a Monday?

They did, however, find many other non-abortion related violations:

- Controlled medication continued to be unregulated;
- Correct sterilization procedure of instruments continued to be performed incorrectly;
- Contaminated syringe containers continued to be stored unsafely;
- Proper technique for maintaining the sterility of surgical gloves continued to be disregarded;
- Autoclave spore testing continued to be ignored; and
- Containers filled with solutions continue not to be labeled appropriately

These are serious violations that could cause undue harm to the patients. Many of the dangers I had warned the State of Delaware about had been discovered. It had finally been independently verified by the agencies that patients who went to Planned Parenthood were being exposed to contaminated instruments and needles.

Would not any responsible agency that discovered a high level of risk immediately close Planned Parenthood and suspended the medical licenses of Drs. Timothy Liveright and Carole Meyers? Rather than close Planned Parenthood of Delaware and suspending the licenses of the two physicians, the Division of Public Health accepted a letter from Planned Parenthood promising they would do better.

This is an absurd claim by Planned Parenthood of Delaware. They had failed to reform their practices from the initial inadequate investigation by the Division of Public Health and the Division of Professional Regulation in August 2012, the OSHA inspection in August 2012, through the April 2013 inspection. The same health care assistants were still assigned the same dangerous responsibilities and they still had no idea how to do them. Patients continued to be at a terrible risk. Despite this risk, Planned Parenthood of Delaware continues to be unwilling to reform itself. The Division of Public Health and the Division of Professional Regulation have effectively refused to protect the poor and/or minority patients at Planned Parenthood of Delaware from abuse and endangerment. This abuse and endangerment continues today.

In spite of the fact that Planned Parenthood management refused to reform itself after its August inspections, the Division of Public Health and the

Division of Professional Regulation accepted the claims by Planned Parenthood management that the reason for non-compliance with basic medical guidelines in most incidences was the fault of the staff. This is obviously an example of Planned Parenthood management being at fault for lack of training and unfairly blaming the staff for not implementing the corrections themselves.

It is my opinion that this report does not take appropriate responses to the problems identified. According to the report, patients are being treated using instruments that are possibly contaminated. This requires a very serious response by the State. I believe that Planned Parenthood should be fined and closed until all dangers are addressed. Instead, the State of Delaware asks Planned Parenthood to reform itself without articulating a plan of action for further oversight. This demonstrates a genuine lack of concern and compassion for the patients of Planned Parenthood.

The way in which the State of Delaware has allowed Planned Parenthood to abuse and endanger its patients is remarkably similar to the way that the Commonwealth of Pennsylvania allowed Dr. Gosnell to abuse and endanger patients.

Why have the Division of Public Health and the Division of Professional Regulation thus far refused to do their job?

I found a very compelling answer in the Dr. Gosnell Grand Jury Report, which, of course, is talking about why the Commonwealth Pennsylvania refused to shut down the abortion clinic of Dr. Gosnell: Quote: "Bureaucratic inertia is not exactly news. We understand that. But we think this was something more. We think the reason no one acted is because the women of question were poor and

of color ... and because the subject was the political football of abortion.”
Endquote.

I am not a very political person and never have been. I have discovered that Planned Parenthood is extremely connected politically in Delaware and that abortion is indeed a political football. All too often, people refuse to put aside their own political views on the issue of abortion to hear about what is really going on at Planned Parenthood. That does not mean that patients who go there should suffer. The majority of the patients of Planned Parenthood of Delaware are poor and/or minorities. I genuinely believe that if Planned Parenthood had given this level of care to the upper middle class white Delawareans predominantly served at Christiana Care where I used to work, they would have been shut down by lawsuits. Instead, poor and/or minority patients are still being abused one year after I first warned the State of Delaware about this danger.

This problem can be easily solved. In Pennsylvania, the state legislature has defined abortion clinics as "ambulatory surgical centers." Abortion is a form of surgery. This definition makes perfect sense for the State of Delaware. This would ensure that Planned Parenthood would be held to the same standards as medical surgeons. They would have to be accredited by a serious, national accrediting agency such as The Accreditation Association for Ambulatory Health Care (AAAHC), The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), The American Association for the Accreditation of Ambulatory Surgical Facilities (AAAASF), and The Health Facilities Accreditation Program (HFAP)

I plan to continue to be an advocate for the patients. So often, this discussion has been about abortion when it should be about the patients

receiving proper and safe health care. I am dedicated to protecting these patients. I will not compromise as I work to do that. These patients deserve to be protected from Planned Parenthood. If you or anyone you know has ever been to Planned Parenthood, go see a medical doctor. Get checked for every risk factor that may result from the kind of treatment I have outlined – blood borne pathogens including Hepatitis and HIV, STDs, and any antigens that may be a result of failing to get a RhoGAM injection after an abortion. If you have a friend or relative thinking about going to Planned Parenthood for any service, warn them. We know what is going on behind Planned Parenthood's secretive and closed doors. We know what kind of tragedies resulted in Dr. Gosnell's clinic in Pennsylvania after the State refused to take action. We cannot wait any longer to take action here in the State of Delaware.

Patients have the right to good, safe medical care. The State of Delaware needs to stand up and stop allowing Planned Parenthood to bully their citizens by providing substandard and dangerous health care.

Thank you.