

## Chronological History of Delta Clinic of Baton Rouge

1981-1990 Numerous lawsuits and injuries to women at the clinic including two deaths linked to abortions at the clinic.

A chronic asthma patient, 27-year-old Sheila Hebert went to Delta Women's Clinic in Baton Rouge for an abortion on June 6, 1984. Shortly after the abortion, Sheila complained of chest pains and difficulty breathing. She lost consciousness, and staff injected her with adrenaline, but were unable to revive her. She was taken to a nearby hospital where she died. Her baby was aborted by Richardson Glidden at Delta on June 5, 1984. Afterward, she was "placed in a post-operative room where she developed an acute asthma condition and expired." Emergency personnel arrived within 3 minutes of getting the call, but found the young woman blue, cool, and essentially lifeless. Efforts to revive her, both at Delta and at the ICU proved unsuccessful. The suit charged Glidden and Delta staff with failure to monitor the patient in recovery, failing to react properly when her condition was discovered, failing to call 911 promptly, and failing to have adequate emergency equipment available. (East Baton Rouge Parish District Court Case No. 289518)

Ingar Lee Whittington Weber died January 26, 1990, in a Louisiana hospital. She had been treated for acute kidney failure after an abortion performed at Delta Women's Clinic in Baton Rouge on January 20, 1990.

Ingar's family sued the clinic and its doctors, Richardson P. Glidden and Thomas Booker. They faulted the doctors with failing to diagnose Ingar's kidney problems, or her deteriorating physical condition, before, during, or after the abortion.

1990-1994 Lawsuit by the federal government with Writ of Levy and Writ of Execution for dispensing narcotics illegally.

It was a long and painful delivery, but on May 12, 1994 the American Holocaust Memorial was born inside one of the most infamous abortion "clinics" in the United States. Delta was seized by the Federal Government for dispensing narcotics illegally. Unable to pay its fine, the "clinic" was put up for sale at a Federal auction. *The St. Mary and St. Joseph Family Memorial Foundation* purchased the "clinic" and turned it into a center of Christian Pro-Life activity. The public can view first hand the instruments used in abortion and the blood of these innocent babies can be still seen on the walls, floors, and instruments of disposal.

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NO. 90-3251

90-3251

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UNITED STATES OF AMERICA

Plaintiff/Appellee

versus

CLINICAL LEASING SERVICE, INC.,  
d/b/a DELTA WOMEN'S CLINIC, INC.,  
d/b/a DELTA WOMEN'S CLINIC,  
DELTA WOMEN'S CLINIC, INC.,  
KIAT VARNISHUNG, M.D.,  
ROY CLAUDE WOOD, JR., M.D.,  
RICHARDSON B. GLIDDEN, M.D.

Defendants/Appellants

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U.S. COURT OF APPEALS  
FILED

DEC 13 1990

GILBERT F. GANUCHEAU,  
CLERK

RECEIVED  
UNITED STATES MARSHAL  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA, \*

CIVIL ACTION

92 AUG 12 24:47

V. \*

NO. 90-4364

MIDDLE DISTRICT OF  
LOUISIANA

CLINICAL LEASING SERVICE, INC., \*  
MELVIN SOLL and LEROY T. \*  
BRINKLEY \*

SECTION: H

\* \* \*

WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL:

On September 12, 1991, a judgment was entered in the United States District Court for the Eastern District of Louisiana, in favor of the United States of America, plaintiff, and against the defendant(s) Leroy T. Brinkley, 8602 Thomas Mill Drive, Philadelphia, Pennsylvania, in the sum of \$340,347.71, plus interest accruing at the legal rate, and costs as a result of a judgment filed in favor of the plaintiff, the United States of America, entered on September 12, 1991, Civil Action No. 90-4364 "H" in the Eastern District of Louisiana, due to civil penalties imposed upon Clinical Leasing Service, Inc., et al., by judgment entered in Civil Action No. 89-3041 "H" (4) on March 16, 1990, together with legal interest on said sum from the date of this judgment until paid, plus costs of this proceeding.

October 4, 1994. Three former employees of the Delta Women's Clinic say they are lodging a complaint with state health officials about what they claim are unsafe and unsterile conditions at the Goodwood Boulevard abortion clinic.

In a letter sent by fax to the state Department of Health and Hospitals, the three workers say they want to end what they describe as "unsafe, inadequate care" at the clinic.

The letter was signed by former workers Robin Bielkiewicz, Annette Higgins and Mary Wilcox, outlines a number of alleged problems at the clinic.

The three former staffers also sent a letter asking the U.S. Occupational Safety and Health Administration to investigate conditions at the Goodwood clinic, former Delta administrator Esther McGuire said.

One of the major concerns is the alleged lack of proper sterilization of equipment used during procedures, according to the letter to DHH.

Bielkiewicz said that, one night at the clinic, 33 patients waited nine hours to see a doctor.

Throughout the night, we sent back three procedure trays because they were not sterile, said Bielkiewicz, a former counselor and doctor's assistant at the clinic.

Also, the clinic regularly lets medical waste accumulate for weeks and weeks at a time, the letter to DHH alleges.

"Employees who are not properly trained are being allowed to perform medical procedures, including the preparation of 'sterile' instruments and the performance of ultrasounds," the letter continues.

1995 Mary W. Fowler and Braython Fowler v. David McPherson M.D. and Delta Women's Clinic. February 17, 1995. Number 414373, Division D, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana. Petition. 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana.

On or about June 6, 1994, Mary Fowler went to have an abortion at Delta Womens' Clinic. The abortion was performed by Dr. David McPherson. An incomplete abortion and failure to remove parts of the fetus resulted in hemorrhaging, infection, and a hysterectomy.

1996 Katina Robertson v. Delta Women's Clinic, Dr. Doe, Dr. Roe, ABC Insurance Company, DEF Insurance Company, and XYZ Insurance Company. Number 424497, Section M, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana.

On October 6, 1994, Katrina Robertson had an abortion at Delta Women's Clinic, which later resulted in her hemorrhaging. It was found out that the remaining portions of the fetus were still inside her, which resulted in infection, surgery, and possible infertility.

1997-1999 Affidavits of Delta employees revealed unbelievable negligence and injury to women who had abortions at the Delta Clinic. Even more startling is the fact that Delta made up the number of abortions performed and never reported any of the injuries that occurred at the clinic. They even admitted that the forms to be submitted to the DHH (Report of Induced Termination of Pregnancy) were pre-printed, with pre-printed question responses checked off and completed prior to seeing any patients.

1998 Denise Doe and Jane Doe, Plaintiffs, vs. Eileen White-O'Neill, M.D., A. James Whitmore, III, M.D., Delta Women's Clinic of Baton Rouge, a/k/a Delta Clinic of Baton Rouge, Delta Women's Clinic West, Inc., Delta Women's Clinic, Inc., Clinical Leasing Service, Inc., Clinical Leasing Service, Inc., d/b/a Delta Women's Clinic, and Clinical Leasing – Gynecological Services, Inc., and Leroy T. Brinkley – Defendants. Suit Number 456-525 Division N, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana. Petition.

On August 29, 1998 Denise Doe went to the Delta Clinic of Baton Rouge for an abortion. During the procedure Denise' uterus was perforated, resulting in hemorrhaging, which sent her to the emergency room. She ultimately went into septic shock and an emergency hysterectomy was performed which resulted in her needing a colostomy and long term health care.

Subsection B  
Attachments

THOMAS H. BENTON & ASSOCIATES  
A LAW CORPORATION  
601 ST. FERDINAND STREET  
BATON ROUGE, LOUISIANA 70802

THOMAS H. BENTON  
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TELEPHONE (504) 343-6611  
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March 24, 1998

Mr. Steve Erwin  
Program Manager- Cont. & Dang. Substances  
DEPT. OF HEALTH & HOSPITALS  
P.O. Box 3767  
Baton Rouge, LA 70821

RE: *Apparent non-compliance record of Delta Women's Clinic*

Dear Mr. Erwin,

This letter is to document the issues that I discussed with you on March 24, 1998. As I explained on the telephone, I have been instructed by my firm to research a variety of allegations concerning the Delta Women's Clinic (located at 8568 Goodwood Blvd., Baton Rouge, LA 70806). I have enclosed with this letter a detailed collection of documents which seem to support the allegations that this clinic has been operating illegally for some time. It is our hope that you will use this information to begin an investigation into the past and current practices of this facility.

Specifically, it has been reported to us that for years the Delta Clinic has been dispensing narcotics without the required licensing. I understand that a medical facility is not mandated to have its *own* license unless its practices involve "co-mingled stock-in inventory." In light of that criteria, the enclosed police report of June 12, 1996 (BRPD file #55497-96) is enlightening. As you will see, the report documents an extensive list of drugs that were stolen from the site at that time. Included in the list were at least three substances which are classified as "Schedule IV" narcotics: Vicadon, Valium and Nubain. (The report goes on to state that the substances were stolen from a centrally located "drug closet" in the clinic's counseling room. I am unclear whether such would be considered as a "stock-in inventory.")

The above record of the theft in June, 1996 is important for two reasons. The first reason pertains to LSA-R.S. 48:3929 of the Controlled Dangerous Substances Regulations. That statute mandates that every licensee must immediately notify and report to the DHH and the DEA when "any theft or unexplained loss of any Controlled Dangerous Substances in his custody" occurs. He must also maintain a copy of his letter of notification for at least two years from the date of the theft. There seems to be a very serious question of whether this clinic has complied with this regulation. Section 3 of that statute reads: "A licensee who fails to fulfill [these provisions] shall be deemed to have committed a prohibited act under LA. R.S. 40:971." Penalties under R.S. 40:971 range from stiff monetary fines to a six month prison term. (Of course, 40:969 carries its own penalties for Schedule IV violations. Please see attached relevant portions of these statutes.)

There is at least one other reason why the 1996 theft record is significant. If we assume that

the Delta Women's Clinic does not meet the criteria for being classified as a licensee itself, that means that the Clinic's abortionist, Dr. James Whitmore, would have to have his own license. As you know, this state's Controlled Dangerous Substance statutes have very strict regulations regarding who is authorized to distribute these narcotics, and how they are to be handled. (In particular, I note here the "Licensing Procedure" (LSA-R.S. 48:3903) and "Required Inventories" guidelines (LSA-R.S. 48:3915), among others.)

1999 Allison Tunnard Witness Affidavit

"During the <sup>term</sup> of my employment I was often ordered to help hold down 'second timer' patients in the surgery rooms. These are the women who are having later term abortions and require two days of <sup>procedures</sup> (a <sup>a</sup> return visit on the second day after the insertion of laminaria). These women usually require at least four workers to hold them down on the table, because they are screaming out in pain and struggling to get up. Dr. James Whitmore usually has to stuff a <sup>gown</sup> in <sup>their</sup> mouth to keep them quiet.

"Recently, there <sup>was</sup> a rather disturbing event that took place with one of these patients, Denise Cameron. I was in the room helping to hold her down when Dr. Whitmore said, 'The big mama always does it.' He was referring to the largest dilator we had. He was rough with her, as he is with all the patients, and he apparently punctured her uterus. She was heavily sedated and then we moved her to the recovery room. About three hours later she began to awaken, and he pressed on her belly, and blood came gushing out. She cried out loud. We moved her back to a surgery room and she passed several blood clots as large as my head! Whitmore refused to let anyone call 911 because he was afraid the media might find out about it. It was not until four hours later that he allowed one of the workers to call Acadian Ambulance. Whitmore had tried to call Dr. D'orsay Bryant to get

him to sign off on the patient with his hospital admitting rights (because Whitmore has none), but Bryant wouldn't take his call (Bryant never takes calls from Whitmore anymore).

The 'A B' forms that are required by the Department of Health and Hospitals are never correctly done. Filling them out was my job – and neither Dr. Whitmore or Dr. O'Neill ever fill them out themselves. In fact, the doctors just pre-signed a large stack of the forms at a time, and left them blank for me to fill out on my own time. I filled out each form exactly the same, and never reported complications or difficulties.”

# **EXECUTIVE ORDER MJF 99-5**

## **Declaration of Public Health and Safety Emergency**

WHEREAS, video tape obtained by WAFB-TV, Baton Rouge, reveals the great likelihood that the Delta Women's Clinic located in Baton Rouge may be operating in such an unsanitary and medically deficient manner that the health and safety of the citizens of the state of Louisiana who are using the facility may be endangered;

WHEREAS, pursuant to the inherent police power of the state of Louisiana, it is the state of Louisiana's duty to protect and preserve public health, morals, safety, and welfare; and

WHEREAS, citizens using medical and health related facilities operating in the state of Louisiana are entitled to know and be assured that such facilities are being operated in a sanitary manner;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

**SECTION 1:** Pursuant to the inherent police power of the state of Louisiana, a public health and safety emergency is declared to exist.

**SECTION 2:** The State Public Health Officer is ordered to take all necessary and immediate action to inspect the Delta Women's Clinic located in Baton Rouge and all other medical and health related facilities in the state of Louisiana which are not being regularly inspected to ensure compliance with appropriate health, safety, and sanitation standards.

**SECTION 3:** The attorney general of the state of Louisiana is requested to review all video tapes obtained by WAFB-TV, Baton Rouge, related to Delta Women's Clinic, Baton Rouge, and to conduct all necessary investigations to evaluate whether any criminal offenses may have been committed.

**SECTION 4:** The State Public Health Officer is ordered to regularly inspect all medical and health related facilities operating in the state of Louisiana to ensure that such facilities are operating in accordance with appropriate health, safety, and sanitation standards.

**SECTION 5:** All state officials and officers are authorized to take all necessary action to fulfill the purpose of this Order including, but not limited to, taking legal action on behalf of the governor.

**SECTION 6:** This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 5th day of February, 1999.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen

July 30, 1999

Linda Doe vs. Delta Women's Clinic of Baton Rouge and Dr. A. James Whitmore. Suit Number 86255, Division B, 21<sup>st</sup> Judicial District Court, Parish of Livingston, State of Louisiana. Petition.

On April 1, 1999, Linda Doe obtained an abortion at Delta Clinic. Hemorrhaging profusely from a uterine perforation, by 5:45 pm her blood pressure dropped to dangerously low levels. She was noted under ultrasound to having a severe uterine perforation and was bleeding profusely, yet Dr. James Whitmore III did not want to call an ambulance because of the notoriety of Delta and its abortionists. He did not want the news media involved. A worker finally called the ambulance as her blood pressure was bottoming out. She was transported to the hospital and underwent a total abdominal hysterectomy with transfusion of eight units of packed red blood cells and two units of fresh frozen plasma.

2000 It became apparent that after James Whitmore III, and Eileen White O'Neill were exposed of their heinous medical malpractice and injury to women, that Tulane residents with other physicians became the leading proponents of abortion in Louisiana. Starting with Joia Crear, followed by Jocelyn Tinsley, Daniel Estevez, Joseph Triana, Joseph Lauterbach, Adrian Coleman, Kevin Work, and Mary Frances Gardner, we have had a steady stream of Tulane residents moonlighting doing abortions at Delta in Baton Rouge and in New Orleans. A source from Tulane University informed us that this had been going on for the past 15 years. Mary Frances Gardner also worked at Tulane University Health Center, which dispenses the "morning-after" pill.

2000 Lanya Marriam Pankey v. A. James Whitmore, M.D., Delta Women's Clinic and/or Delta Clinic of Baton Rouge, and Leroy Brinkley and ABC Insurance Company. Suit Number 471468, Division H, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana. April 13, 2000.

On or about August 20, 1999, Lanya Marriam Pankey underwent

emergency salpingectomy for removal of the left fallopian tube from a large ectopic pregnancy that was not diagnosed when she had a D&C at the Delta Women's Clinic on or about July 21, 1999.

August 2001

### **“Clinic closes after landlord voids lease”**

“The Delta Women's Clinic opened in a temporary location for less than one day before its new landlord voided the lease...

... Landlord Donald Grant, through attorney Frank H. Dickinson III, asked that Hodge and another woman who signed the lease, Betty Harrell, “vacate the premises immediately,” according to a copy of the letter provided by anti-abortion activist Richard Mahoney...”

Moore, Melissa. “Clinic closes after landlord voids lease.” The Advocate [Baton Rouge] 15 August 2001, 1A + A4

Delta Clinic of Baton Rouge, Inc.  
9541 Brookline Avenue Suite B  
Baton Rouge, La. 70809

I am writing to inform you of my intent to initiate malpractice litigation against Delta Clinic of Baton Rouge, Inc.

On October 25, 2002, while under the care of Delta Clinic, I received an improper administration of medication (Phenergan). The injection was intended to be intravenous, but was inadvertently injected subcutaneously. As a result of this negligence, I suffered a large necrotic lesion on my right arm, which will require excision of the tissue and will subsequently result in permanent scarring of my arm.

Delta Clinic intentionally disregarded the warnings and recommendations set forth by Wyeth-Ayerst (pharmaceutical manufacturer of Phenergan) in regard to intravenous administration of Phenergan. Although the intravenous route of administration is not contraindicated, the labeling for Phenergan Injections states, "The preferred parenteral route of administration for Phenergan Injection is by deep intramuscular injection. The proper intravenous administration of this product is well tolerated, but use of this route is not without some hazard. It is not for subcutaneous administration. INADVERTENT INTRA-ARTERIAL INJECTION CAN RESULT IN GANGRENE OF THE AFFECTED EXTREMITY. SUBCUTANEOUS INJECTION IS CONTRAINDICATED, AS IT MAY RESULT IN TISSUE NECROSIS. Injection into or near a nerve may result in permanent tissue damage. When used intravenously, Phenergan Injection should be given in a concentration no greater than 25mg/mL at a rate not to exceed 25 mg per minute; it is preferable to inject through the tubing of an intravenous infusion set that is known to be functioning satisfactorily."

Additionally, Delta Clinic did not follow standard procedures in the Baton Rouge area for intravenous administration of Phenergan. Expert witnesses will testify that the standard procedure for administering Phenergan is to inject it through the tubing of an intravenous infusion set. Delta clinic failed to act in accordance with such standards, and as a result I have suffered injuries that would not have otherwise occurred. The method of administration of Phenergan that was used at Delta Clinic on October 25, 2002, was direct intravenous injection without the use of an intravenous infusion set, and at a rate that exceeded 25 mg per minute. This failure to comply with standard procedures constitutes negligence and releases Delta Clinic of any legal protection offered by the consent form that was signed prior to the procedure.

Laura C. W.

January 10, 2003

Lisa H. McCullough v. Delta Clinic of Baton Rouge and Dr. Joseph R. Triana. Jan 10, 2009, Docket 503320 (25), 19<sup>th</sup> Judicial District Court, East Baton Rouge Parish, State of Louisiana.

On January 12, 2002, Lisa McCullough went to the Delta Clinic of Baton Rouge to have an abortion. After repeated attempts and suffering excruciating pain she was sent home. She went to Our Lady of Lourdes Hospital for pain medication. While at the hospital she passed a foot and a leg through her cervical canal. The ultrasound by the ER

physician revealed a macerated fetus in her uterus. She had to undergo another D&C to remove the dismembered baby.

2008

October 20, 2008

Joia Crear-Perry, license placed on probation for three years.

July 31, 2009

Joia Crear-Perry, license suspended indefinitely.

December 14, 2009

Joia Crear-Perry, license remained suspended indefinitely.

July 19, 2010

Joia Crear-Perry, license reinstated on probation for three years.

2009-2011 October 15, 2009: Mike Johnson wrote to the DHH Office of Public Health to request an investigation of specific allegations raised against the Delta Clinic by numerous concerned citizens.

DHH findings: Proceedings against Delta Clinic of Baton Rouge, Inc., State ID: BO0004642; Complaint No. 9AB28180. 128-page report.

Just a few findings noted here.

Delta Clinic admitted that it failed to report the carnal knowledge of minor as required by law. Under R.S. 14:403, mandatory reporters who fail to report such crimes shall be guilty themselves of a misdemeanor and shall be subject to fines, imprisonment or a combination of both.

Delta Clinic admitted in its Statement that it failed to provide pre-abortion counseling as mandated by R.S. 401299.35.6. Failure to comply with this statute provides a basis for both criminal and civil penalties, in addition to malpractice actions, professional disciplinary actions and wrongful death actions.

Delta also admitted in its Statement that it failed to maintain confidentiality of patient records. According to § 4415(E)(2) of Title 48 of the Louisiana Administrative Code, any person who knowingly discloses patient identifiable information in violation of said section shall be subject to punishment under Federal law (42 U.S.C. § 1320d-6) which includes fines, imprisonment, or a combination of both.

Delta Clinic readily admitted that it failed to gather and report complete information to the Office of Public Health Vital Records registry. According to R.S. 40:66, failure to complete the forms required by law shall be considered a misdemeanor punishable by fines, imprisonment or a combination of both. Delta fraudulently pre-printed all of its state forms (“Report of Induced Termination of Pregnancy”) to contain typed data indicating there were no complications with any abortions performed at Delta. Delta admits that the forms were pre-printed with pre-printed question responses, already completed prior to seeing any patients.

Delta failed to ensure sterilization of syringes and intravenous injections to prevent infection and cross-contamination. Failed to decontaminate equipment (vaginal probes) between patient uses, thereby increasing the risk of transmitting bacteria and other infectious diseases. Failure to ensure single dose intravenous fluid was used for only one patient, thereby increasing the risk of cross-contamination and putting patients at increased risk for infection. Failed to ensure outdated supplies that could cause serious and adverse reactions were not used on patients.

Failed to properly label, measure, and monitor doses of narcotics or their expiration dates. For patients receiving conscious sedation, Delta workers failed to document the name of medication given, the dosage, the route, the time, and infusion rate, and failed to document the name of the women given the medication. Failed to properly store, handle and distribute intravenous medications administered at Delta.

Failed to monitor and document cardio-pulmonary status that may have required emergency intervention. Failure to ensure pre-op assessments risking undiagnosed medical conditions that would preclude having an abortion (contraindications).

Most importantly, the information on complications experienced from abortion (infections, adverse drug reactions, uterine perforations, bleeding, STD's, loss of limbs, emergency hysterectomies, injuries and deaths) need to be rigorously investigated and the appropriate number and severity needs to be documented. Delta workers admitted using unsterile dilators and tubing on patients for years in the Clinic, which could have led to infecting tens of thousands of women going there with STD's.

This practice of falsifying legal documents to the DHH's Office of Vital Records and the medical malpractice and fraud involved in sending forms to the DHH that were pre-printed, with the pre-printed questions responses checked off and completed prior to seeing any patients, is tantamount to the largest travesty of justice ever perpetrated by the medical establishment under the guise of women's reproductive health care.

Jan 15, 2010

Christine A. Kingston v. Kevin Work, M.D., Helen Williams, L.P.N., and Delta Clinic of Baton Rouge, Inc.  
19<sup>th</sup> Judicial District Court, Parish of Baton Rouge  
Jan 15, 2010, Sec. 26, Docket 586501.

On January 23, 2009 Christine Kingston obtained an abortion at the Delta Clinic. Due to the improper administration of Phenergan, Miss Kingston was forced to undergo the complete amputation of the first two digits of her right hand.

March 15, 2010

Adrian Joseph Coleman, license placed on probation for three years.

While the Department of Health and Hospitals was investigating the criminal activity and medical malpractice at the Delta Clinic of Baton Rouge in 2009 and 2010, two of Delta's physicians were being disciplined by the Louisiana State Board of Medical Examiners, Dr. Adrian Coleman and Dr. Kevin Work. The Louisiana State Board of Medical Examiners ordered that the license of Adrian Joseph Coleman, M.D. to engage in the practice of medicine in the state of Louisiana, as evidenced by license number MD025031, was placed on probation effective March 15, 2010.

The Louisiana State Board of Medical Examiners ordered that the license of Kevin Goven Work, M.D. to engage in the practice of medicine in the state of Louisiana, as evidenced by certificate number MD025394, was placed on probation for a period of one year, effective March 16, 2009. Kevin Work, M.D.

Despite not having licenses or admitting privileges to the local hospitals, the DHH gave the Delta Clinic of Baton Rouge permission to continue performing abortions at the Delta Clinic of Baton Rouge. This practice of the Department of Health and Hospitals giving licenses to abortion clinics without proper medical staff or operational function is abhorrent.

J. Michael Johnson  
Senior Legal Counsel



June 17, 2010

Hon. Alan Levine  
Secretary, La Department of Health and Hospitals  
P.O. Box 629  
Baton Rouge, LA 70821-0629

**Re: Proceedings against Delta Clinic of Baton Rouge, Inc.  
State ID: BO0004642; Complaint No. 9AB28180**

Dear Secretary Levine:

This correspondence addresses the above-numbered complaint file of the DHH Bureau of Health Services Financing ("BHSF"), and the state's authority to initiate immediate action to protect the public's health. As you acknowledged to the media this spring, this is an urgent matter that merits the full attention of your department. It is my view that existing state and federal laws mandate closure of the facility at issue.

A review of the public records of this file proves that the Delta Clinic of Baton Rouge, Inc., ("Delta Clinic"), has engaged in a long pattern of abuses and countless violations of state and federal statutes. While we commend the BHSF finding that this abortion "facility's actions or inactions created the substantial probability that serious harm or death would result to a patient(s) if the situation was not corrected,"<sup>1</sup> and the resulting assessment of \$3,000.00 in civil monetary fines, we believe that existing law, and the protection of public health, require much heavier civil and criminal penalties. It seems clear the operations of this abortion clinic can and should be halted.

#### **I. Complaint Background**

In a letter dated October 15, 2009, I wrote to the DHH Office of Public Health to request an investigation of specific allegations raised about the Delta Clinic by numerous concerned citizens. This was an urgent matter, since the Delta Clinic is one of Louisiana's largest and most active abortion providers, and has a well-documented history of dangerous non-compliance with both federal and state laws dating back to at least 1997. Due to the severe injury of several women at the Delta Clinic, a 1999 investigation by WAFB-TV in Baton Rouge revealed extensive violations of the sanitary code and other existing regulations, which led ultimately to the

<sup>1</sup> January 20, 2010, letter from Erin Rabalais, RN, BHSF Health Standards Section Chief, to Sylvia Cochran of Delta Clinic, p 1.

suspension of Delta Clinic physicians and the enactment of new abortion industry regulatory provisions by the Louisiana Legislature.

As you know, in response to my letter in October, an unannounced DHH licensure and complaint survey was conducted at the Delta Clinic from December 2-7, 2009. A letter dated January 20, 2010, from Erin Rabalais, RN, BHSF Health Standards Section Chief, to Sylvia Cochran, Delta Clinic manager, reported the following results of the survey: "At that time it was determined that the facility was out of compliance with the federal and/or state rules," and "had deficient practices, including immediate jeopardy" in the areas of Personnel, Infection Control, and Pharmaceutical Services.

Ms. Rabalais' letter to Ms. Cochran further explained that DHH had decided to assess civil fines for these violations totaling \$3,000.00, and that Delta Clinic could request an informal reconsideration of the decision, and/or pursue an administrative appeal. Delta Clinic chose to do neither, and promptly submitted a check for payment of the meager fines on January 25, 2010. DHH further requested a "plan of correction" of the numerous violations, which Delta Clinic submitted on January 19, 2010, and then revised and resubmitted sometime on or after February 3, 2010.

Pursuant to my public records request of February 19, 2010, the DHH Bureau of Legal Services mailed me a 138 page packet concerning the case file for this matter. The contents of the attached, 41-page revised Statement of Deficiencies and Plan of Correction ("the Statement") are extraordinary—including many stunning admissions by the Delta Clinic. Due to the serious nature of these numerous violations of state and federal law, we urge you and other state officials to consider halting the operations of Delta Clinic, and imposing much higher civil penalties and appropriate criminal prosecution available under existing statutes.

## II. Specific Findings

In the Statement, Delta Clinic officials frankly *admitted* to several categories of serious legal violations. I summarize the violations here, with reference to each specific page of the Statement, for the benefit of laypersons that may be copied on this letter.

DELTA CLINIC'S VIOLATIONS	STMT. PAGE
"Governing Board failed to ensure that the Clinic had an effective quality assurance program [including employee occurrences, patient occurrences, infections, grievances, ectopic pregnancies, medical re-aspiration, surgical re-aspiration, follow ups, chart completion, daily cleaning, quality controls, and confidentiality]."	2-3
"Governing Board failed to formally identify problem prone areas" [or] "monitor and evaluate the appropriateness of patient care and the performance of medical staff."	3
Failed to ensure sterilization of syringes and intravenous injections, and to prevent infection and cross-contamination	5,6, 10

DELTA CLINIC'S VIOLATIONS	SEMT. PAGE
Failed to document: the name, time, route, dose and/or rate of administration of drugs to sedate patients; monitoring of sedated patients' cardiac status, respiratory status or level of consciousness; start and end time of surgical abortion procedures	5
Failed to provide pre-abortion counseling as mandated by law (R.S. 40:1299.35.6)	5
Failed to maintain confidentiality of patient records	5
Failed to provide required records to OPH Vital Records Registry	5
Failed to decontaminate equipment (vaginal probes) between patient uses, thereby increasing the risks of transmitting bacteria and other infectious diseases	6, 34
Failed to ensure single dose intravenous fluid was used only for one patient, thereby increasing the risk of cross-contamination and putting patients at increased risk for infection	9
Failed to ensure appropriate standards of medical practice	9, 18
Failed to follow law regarding mandatory reporting of carnal knowledge of minors	10-11
Failed to properly label or measure/monitor doses of narcotics, or their expiration dates	11
For patients receiving conscious sedation, failed to document the name of medications given, the dosage, the route, the time and push rate, and the person giving the medication	11
Delta admits: "By not monitoring the patients, they could fall into a deep sleep; have adverse respiratory and/or cardiac activity that may require emergency intervention"	16
Failed to follow even the Standards of Practice outlined in the 2009 National Abortion Federation Clinical Policy Guidelines	17
Failed to document start and end times of surgical abortion procedures (the longer the procedures, the greater the risk of infections)	20
Failed to provide information and individual and private counseling to all patients as required by law	20
Failed to ensure pre-op assessments are performed and documented, risking undiagnosed medical conditions that may be contraindicated	24-26
Failed to maintain confidentiality of patient information and records in violation of federal and state law	25, 27
Failed to submit accurate and complete information to Office of Public Health Vital Records registry (La 's single source of statistics on safety and number of abortions performed)	27-28

DELTA CLINIC'S VIOLATIONS	SECT. PAGE
Incredibly, Delta fraudulently pre-printed all of its state forms ("Report of Induced Termination of Pregnancy Performed in Louisiana") to contain typed data indicating "Father (of fetus)" was "unknown," and typed data indicating there were no complications with any abortion performed.	27-28
Delta admits the forms were pre-printed with the above data—as well as other pre-printed question responses—already completed prior to seeing any patients	27-28
Failed to ensure that outdated supplies, that could cause serious and adverse reactions, were not used on patients	29
Failed to follow aseptic techniques by pre-filling syringes with Nubain and Promethazine with no hub covers and storing them in non-sterile zip-lock bags thus putting patients at risk of bacterial and/or septic infections	31-33
Failed to properly store, safeguard, handle and distribute intravenous medications administered in the facility	36
Failed to ensure that physician's standing orders were timed, dated, and signed by physicians	39
Failed to secure stamped and pre-signed prescription pads (with patient name left blank), by leaving them out in the reception area where they could be stolen and used for criminal activities	40

### III. Appropriate Penalties under Existing Law

In spite of this extraordinary list of legal violations, a March 26, 2010, report in The Advocate newspaper indicated that DHH believes it lacks sufficient authority to take decisive action against Delta Clinic and its personnel. However, both federal and state laws are clear on these matters, and appear to provide DHH with substantial power to protect the public health in this situation.

#### A. DHH Licensing Authority

As you know, DHH is responsible for the licensing of abortion facilities pursuant to R.S. 40:2175.1, *et seq.* The rules are contained in the Louisiana Administrative Code, Title 48, Chapter 44. According to § 4403(A), no outpatient abortion facility can be operated in Louisiana without an appropriate license issued by DHH. R.S. 40:2175.6(G) currently specifies: "The procedure of denial, suspension, or revocation of a license, and appeal therefrom, shall be the same as provided for the licensing of hospitals as contained in R.S. 40:2110."

According to R.S. 40:2110(A):

The secretary may **deny, suspend or revoke a license** in any case in which he finds that there has been a substantial failure of the applicant or licensee to comply with the requirements of this Part or the rules, regulations and minimum standards

adopted by the department, provided in all such cases the secretary shall furnish the applicant or licensee thirty days written notice specifying reasons for the action.

The subsequent paragraphs of that section provide substantial due process and procedural safeguards for "any applicant or licensee who feels aggrieved by the action of the secretary," including options to suspensively appeal the action of the secretary to an appellate board, and ultimately to the district court for the Parish of East Baton Rouge.

Upon the denial, suspension or revocation of a license, the secretary is then authorized to initiate an action in the name of the state against any person or governmental unit for an **injunction** restraining or preventing such person or governmental unit from the "establishment, conduct, management, or operation of a hospital without a license." (R.S. 40:2112).

In its current session, the Legislature voted in recent days to pass House Bill No. 1370, a measure to amend and reenact R.S. 40:2175.6(G) and to enact R.S. 40:2175.6(H) and (I), relative to the licensure and regulation of outpatient abortion facilities. The new law, which is currently awaiting the Governor's signature, will expressly provide even greater, and more streamlined, authority to DHH. However, that enhanced authority is not necessary in the handling of a case as egregious as the Delta file. Whether under the existing law or its revisions, the outcome should be the same.

#### **B. Other Penalties**

Based on the many admitted violations set forth above, DHH is justified in revoking the license held by Delta Clinic and enjoining all of its operations. Moreover, since many of the violations listed above also carry with them specific civil and criminal penalties, it seems clear that DHH has an affirmative duty to forward these matters to the attention of the appropriate prosecutorial authorities.

For example, Delta Clinic admitted in its Statement that it failed to provide pre-abortion counseling as mandated by R.S. 40:1299.35.6. Failure to comply with this statute provides a basis for both criminal and civil penalties, in addition to malpractice actions, professional disciplinary actions and wrongful death actions. (R.S. 40:1299.35.6(F) and (G)).

Delta Clinic also admitted in its Statement that it failed to maintain confidentiality of patient records. According to § 4415(E)(2) of Title 48 of the Louisiana Administrative Code, any person who knowingly discloses patient identifiable information in violation of said section shall be subject to punishment under federal law (42 U.S.C. § 1320d-6), which includes fines, imprisonment or a combination of both.

On page 18 of Delta Clinic's Statement, Delta Clinic admitted that it failed to report the carnal knowledge of minors as required by law. Under R.S. 14:403, mandatory reporters who fail to report such crimes shall be guilty themselves of a misdemeanor and shall be subject to fines, imprisonment or a combination of both.

Delta Clinic readily admitted that it failed to gather and report complete information to the Office of Public Health Vital Records registry. According to R.S. 40:66, failure to complete the forms required by law shall be considered a misdemeanor punishable by fines, imprisonment or a combination of both.

The failure of Delta Clinic to submit complete statutorily required information to the Vital Records registry—Louisiana's single source of statistics on the safety and number of abortions performed each year—has some striking implications. The Delta Clinic is one of the largest and most active abortion clinics in the state and region. If Delta Clinic's reports on the number of abortions it performed and the number of complications it encountered are much lower than the actual figures (a fact to which Delta has frankly admitted), then that necessarily means *all recent state and federal abortion statistics, which are derived in part from these numbers, have thus been grossly underestimated*. DHH and the federal Centers for Disease Control and Prevention should thus be required to revise their annual statistical reports for the past several years, and notify all agencies and interested persons and organizations that their data is now unreliable.

#### IV. Conclusion

It is imperative that DHH take immediate action in this case to protect the health of the general public, and certainly the women who may unknowingly seek the services of the Delta Clinic. This facility's long pattern of flagrant abuses of the law and basic safety standards cannot be tolerated. All should agree the meager \$3,000.00 fine that has been assessed is a woefully inadequate penalty.

If I can provide you with any additional information, please do not hesitate to contact me. I thank you in advance for your attention to this matter and your dedicated public service.

Very sincerely yours,

ALLIANCE DEFENSE FUND



J. Michael Johnson  
Senior Legal Counsel

JMJ/pg

Attachments:

DHH public records re: Delta Clinic, State ID: BO0004642 – Part I

DHH public records re: Delta Clinic, State ID: BO0004642 – Part II

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
www.lsbme.org



Telephone: (504) 568-6820  
FAX: (504) 568-8893  
Writer's Direct Dial:

Est. \_\_\_\_\_

-----X  
:  
:  
**In the Matter Of**  
:  
**ADRIAN JOSEPH COLEMAN, M.D.**  
**(License No. MD. 025031),**  
:  
*Respondent.*  
:  
-----X

**NO. 08-I-775**  
**CONSENT ORDER**

Adrian Joseph Coleman, M.D. ("Dr. Coleman") is a physician licensed to practice medicine in the State of Louisiana, as evidenced by License Number MD.025031, and at all times material to the facts and matters alleged herein, has actively engaged in the practice of medicine, specifically in obstetrics and gynecology, in the New Orleans, Louisiana area.

The Louisiana State Board of Medical Examiners (the "Board"), through its Director of Investigations ("DOI"), opened an investigation of Dr. Coleman after receiving notice from the National Practitioner Data Bank ("NPDB") that, in August 2008, Tulane University Hospital & Clinic ("TUHC") had suspended Dr. Coleman's operative vaginal delivery privileges (deliveries utilizing forceps or vacuum extraction; "OVD"), following the death of an infant during a delivery performed by Dr. Coleman. After the Board's investigation was opened, TUHC revoked Dr. Coleman's OVD privileges pending: (1) completion of additional training and education modules regarding fetal heart monitoring, operative vaginal deliveries, use of forceps and vacuum extractors and (2) at least six-months of proctoring in connection with any operative vaginal deliveries performed by Dr. Coleman.

The Board more recently learned that Dr. Coleman's clinical privileges at Touro Infirmary were suspended on August 19, 2009, as a result of its findings that Dr. Coleman has an unacceptably high number of absences from obstetrical deliveries, does not adequately evaluate and care for his patients in the labor and delivery unit, and fails to document his patient care adequately and accurately.

The DOI's review and analysis of the matter confirms to her satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Coleman, charging him with a violation of the Louisiana Medical Practice Act, La. Rev. Stat. § 37:1285(A)(14).<sup>2</sup> As evidenced by his subscription hereto, Dr. Coleman, without admitting the

<sup>2</sup> Pursuant to La. Rev. Stat. § 37:1285A(14), the Board may take action against the license of a physician as a result of "[c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
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Telephone: (504) 568-6620  
FAX: (504) 568-8693  
Writer's Direct Dial:



Ext. \_\_\_\_\_

-----X	:	
	:	
	:	
<b>In The Matter Of</b>	:	<b>No. 08-I-774</b>
	:	
<b>KEVIN GOVAN WORK, M.D.</b>	:	
<i>(License No. MD.025394)</i>	:	<b>CONSENT</b>
	:	<b>ORDER</b>
	:	
	:	
-----X	:	

Kevin Govan Work, M.D. ("Dr. Work") is an obstetrician/gynecologist licensed to practice in the State of Louisiana, as evidenced by License Number MD.025394. The Louisiana State Board of Medical Examiners (the "Board"), through its Director of Investigations ("DOI"), opened an investigation of Dr. Work after receiving notice from Tulane University Hospital & Clinic ("TUHC") that his clinical privileges at that institution had been suspended on August 18, 2008, following an investigation into (1) allegations that he made an unwelcome and inappropriate sexual comment to a nurse, and (2) a focused peer review's finding that he failed to timely present to the delivery unit on six instances. TUHC's Medical Executive Committee, after consideration of the evidence, established several conditions precedent to his reappointment, including specified remediation.

The DOI's review and analysis of the matter confirms to her satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Work, charging him with violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§ 37:1285(A)(13) & (14).<sup>1</sup> As evidenced by his subscription hereto, Dr. Work, without admitting the accuracy of the above-referenced information or any violations of the Medical Practice Act, acknowledges that the reported information would provide the DOI with probable cause to pursue formal administrative proceedings against him, constituting sufficient cause for action against his license to practice medicine in the state of Louisiana.

<sup>1</sup> Pursuant to La. Rev. Stat. § 37:1285A(13), the Board may refuse to renew a license, may suspend or revoke a license, or may impose probationary or other restrictions on a licensee for "[u]nprofessional conduct."

Pursuant to La. Rev. Stat. § 37:1285A(14), the Board may take action against the license of a physician as a result of "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

2011 January 20, 2011

BATON ROUGE, LA (WAFB) - The abortion debate in Baton Rouge heats up after a national association of lawyers says it plans to sue over the controversial Delta Women's Clinic in Baton Rouge. Saturday will mark 38 years since the U.S. Supreme Court decided *Roe v. Wade*, a decision which made abortions legal.

Christopher Ferrara is the president of the American Catholic Lawyers Association, a group made up of hundreds of attorneys from across the country. He came to Baton Rouge to warn the Department of Health and Hospitals of a possible lawsuit if Delta is not shut down. "There's more than enough to warrant an injunction against further operation at this clinic," he said.

Ferrara is referring to a 21-page internal DHH report from 2009, which alleges several violations on the part of Delta. He believes they are still going on.

The report completed by DHH includes "Delta Clinic of Baton Rouge Inc. acknowledges its governing board failed to ensure the clinic had a quality assurance program." It also alleges the clinic did not provide women individual counseling to protect their privacy and identity, and goes on to say the clinic did not document monitoring of patients receiving conscious sedation regarding their cardiac status, respiratory status and level of consciousness during the medical procedure.

Channel 9 News did a series of stories about Delta Clinic in 1998 and the years following, at the time exposing unsanitary equipment and stories of long term health problems because of Delta. Governor Mike Foster stepped in, laws changed and years went on, but Ferrara says 2011 is not that much different from the way things were then. Delta Women's Clinic officials did not respond to requests for comment. DHH released the following statement:

"We investigated every complaint we received about this abortion center. We cited deficiencies and, following the regulatory policies and laws in place at that time, we provided time for those deficiencies to be removed. We also levied monetary penalties, which Delta paid without appeal. We conducted two follow-up visits to ensure that the

abortion center had corrected all items noted in its review and had not additional deficiencies. We have met with the people filing the initial complaints. We have not received additional complaints since March of 2010, and we have not received any requests for additional meetings from anyone on this topic.”

2011 February 2, 2011

Secretary Bruce Greenstein Department of Health & Hospitals P.O. Box 629 Baton Rouge, LA 70821-0629

Dear Secretary Greenstein:

I am writing to seek your immediate and personal involvement in investigating and taking all appropriate enforcement action against the abortion facility known as the Delta Clinic in Baton Rouge, Louisiana. Recent media reports indicate that this abortion clinic has a record of grievances and possible serious violations more than sufficient to warrant immediate action by the Department of Health & Hospitals.

In fact, these reports are so condemning that even the National Abortion Federation has suspended the Delta Clinic's membership and will no longer refer women to the abortion center. However, the clinic is still open for business because only your department has the authority to shut it down. According to the DHH Office of Health Standards, there is not yet an open investigation into this matter. If it is true that the Delta Clinic is in violation of Louisiana or federal law, I urge you to immediately suspend the facility's license to ensure the protection of women seeking their services.

As you may know, a Pennsylvania abortion practitioner and several of his employees were recently charged with murder and other crimes related to running a horrific abortion practice that endangered the lives of countless women and children. News accounts have revealed that one of those employees, Eileen O'Neill, is a former employee of the Delta Clinic. She has been arrested for a number of violations that include theft by deception for pretending to be a licensed physician.

According to the grand jury, the travesty in Pennsylvania was partly due to the failure of state and local officials to perform their duties properly. We must not allow this to happen in Louisiana, especially when the Louisiana Legislature has recently provided the necessary tools to prevent against a similar occurrence. I urge you to utilize the enforcement tools provided in Act 490, enacted last year, to the fullest extent possible. If there have been violations by the Delta Clinic that “pose an immediate threat to the health, welfare, or safety of a client or patient,” the Louisiana DHH should immediately order the clinic to close and cease providing abortions.

It is critical that we all take action to prevent dangerous and unsanitary medical conditions. That is why I have introduced the Pregnant Women Health and Safety Act, which would require that any physician that performs an abortion have admitting privileges at a local hospital, and that their patients have access to a nearby hospital where the patients can receive follow-up care in case complications do occur. This requirement offers a simple way to protect against the horrific practices that went unnoticed in Pennsylvania until many innocent human beings lost their lives.

Fortunately, our state has provided you with the means to take quick action against any abortion clinic engaged in unsafe practices. I urge you to vigorously investigate the alleged violations against the Delta Clinic to ensure that no woman's life is endangered. Sincerely, David Vitter

cc: Governor Bobby Jindal The Honorable Willie L. Mount, Chairman, Louisiana State Senate Health & Welfare Committee The Honorable Kay Katz, Chairman, Louisiana House of Representatives Health & Welfare Committee

### Abortion opponents say reporting requirements ignored (story by Mark Ballard in the Advocate, May 24, 2011

Tasha Lesaichere recently recalled that when she sought an abortion in 1987, the only medical data gathered by the clinic staff was to confirm her pregnancy.

Now in her 40s and a supporter of anti-abortion legislation, Lesaichere said she was asked few, if any, of the two dozen questions on a state required form. "No questions, no counseling, no medical history," said Lesaichere, of Metairie. "They just took the \$500." The reporting issue is expected to be discussed Tuesday morning when the House Committee on Health and Welfare considers a measure that would define legal life as beginning at fertilization. House Bill 587 also would ban spending Medicaid dollars on procedures that terminate rape and incest pregnancies, and criminalize many of the practices involved with abortion. Longtime anti-abortion activist Richard Mahoney, who plans to testify on this issue Tuesday, said Lesaichere's story supports an important issue often overlooked in the debate over abortions, which are legal. Many Louisiana abortion clinics have, for decades, improperly filled out the forms that are submitted to the Office of Vital Records in the state Department of Health and Hospitals, he said. "We have 31 years of direct evidence of falsifying these forms," Mahoney said of Delta Clinic, Baton Rouge's only abortion clinic, where he frequently organizes protests outside. He said the erroneous forms call into question statistics state leaders use to describe how often abortions take place in Louisiana and what happens during the procedures. DHH Secretary Bruce Greenstein said a December 2009 investigation found that the Baton Rouge clinic used pre-

answered forms. He is unsure how far into the past the practice went. The clinic's office manager, Betty Harrell-Myles, on Feb. 2, 2010, signed the report acknowledging DHH's findings and corrective actions.

Greenstein said DHH investigators have returned four times in the past 16 months — the latest in April — and found that the clinic no longer follows that practice. "Otherwise we would have shut them down," Greenstein said.

The forms are called "Report of Induced Termination of Pregnancy." Mahoney said the answers on the forms were filled in advance, including preprinted "unknown" on blanks for information about the presumed father, the reason for termination and any complications from the procedures. "This admitted practice of pre-printing and repeatedly submitting intentionally falsified legal documents to DHH's Office of Vital Records shows a shocking disregard for the law and women's health," Mahoney said in a prepared statement.

"This would simply never be tolerated in any other branch of medical practice, and the government's apparent lack of concern here is unconscionable as it is dangerous," Mahoney said.

Greenstein's lawyers say no law requires DHH to go back and update the information on the forms, according to Lisa Faust, DHH spokeswoman. HB587 could threaten federal funding for Medicaid, the state's health-care program for 1.2 million poor and uninsured residents.

"We are going to run our Medicaid program like it needs to be," Greenstein said, adding that he believes life begins at conception.

2011 June 13

### **Priests for Life calls for probe of Louisiana Department of Health and Hospitals**

Priests for Life has joined a Louisiana pro-life advocate in calling for an independent investigation of that state's Department of Health and Hospitals (DHH).

Baton Rouge resident Richard Mahoney has uncovered evidence that Delta Women's Clinic in Baton Rouge has, for decades, falsified medical records and under-reported the number of abortions that result in death or injury to pregnant women. DHH officials have been aware of the practice and have allowed it to continue, he alleges.

Father Peter West, associate director of Priests for Life, is working with Mahoney to expose abuses at DHH and Delta, which has ties to indicted Philadelphia abortionist Kermit Gosnell.

Mahoney has documents that show Delta Clinic submits forms to DHH on which many of the boxes had been pre-filled. On two separate forms, the box for "Complication of Pregnancy Termination" have been pre-printed with an "x" next to the "None" response.

"This practice of falsifying legal documents to the DHH's Office of Vital Records and the medical malpractice and fraud involved in sending forms to the DHH that were ... completed prior to seeing any patients, is tantamount to the largest travesty of justice ever perpetrated by the medical establishment under the guise of women's reproductive health care," Mahoney said. "In no other branch of medical practice would this be tolerated. The ramifications of these perjuries to the health of women in the United States is staggering."

Father West said it is within DHH's power to close Delta Clinic immediately.

"Under a 2010 law, DHH has the authority to close abortion facilities that violate state standards," said Father West. "In fact, the publicity surrounding Delta Clinic in Baton Rouge is at least partially responsible for the closure of a New Orleans abortion facility. We demand that DHH immediately use its power to close Delta. Failing that, Priests for Life demands an independent congressional investigation of DHH."

In the past, Delta owner Leroy Brinkley employed Gosnell one day a week. Eileen White O'Neil, who has been charged in the Gosnell case with pretending to be a licensed physician, also has worked for Brinkley.

"Women in Louisiana need to know the danger they are in once they step inside Delta Clinic," Father West said. "DHH has the authority to

shut it down today, and yet officials refuse to act. It's time – it's way past time – to find out why.”

Mahoney said: “The public needs to know the truth about abortion, the atrocities that have been committed by the abortion industry and the government's complicity in the skewing of the number of abortions performed and the injuries and complications associated with these procedures. All records that were falsified to the DHH Vital Records Registry need to be corrected and the appropriate information needs to be reported for each patient. We believe that only a Congressional hearing and an Independent Council investigation on these false reporting practices will reveal the truth about these abominable practices.”

January 2011

Bobby Jindal  
GOVERNOR



Bruce D. Greenstein  
SECRETARY

## State of Louisiana

Department of Health and Hospitals  
Bureau of Health Services Financing

IMPORTANT NOTICE- PLEASE READ CAREFULLY

While Delta had a policy on hand to report suspected minor sexual abuse, one medical record reviewed revealed the boyfriend of a 15-year-old patient was 18. He had committed statutory rape, but a report was never filed. This facility also failed to ensure notarized parental consents were received for minor aborting patients, also in violation of Louisiana law. The survey reports conducted by the DHH on December 7, 2009 revealed the non-reporting of minors having abortions without parental consent and the concealment of these crimes from the DHH, Baton Rouge Sex Crimes Lab and the Child Protection Agency. DHH warned and fined Delta for these and other crimes and promised to shut them down if it ever happened again. In DHH's report on February 3, 2011 we see the same crimes committed with no punitive action by the DHH.

IN THE  
**United States Court of Appeals**  
**for the Fifth Circuit**

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CHOICE INCORPORATED OF TEXAS, doing business as Causeway Medical  
Clinic; BOSSIER CITY MEDICAL SUITE, INCORPORATED; DELTA CLINIC OF  
BATON ROUGE, INCORPORATED; MIDTOWN MEDICAL, L.L.C.; WOMEN'S  
HEALTH CARE CENTER, INCORPORATED; JOHN DOE, M.D.,  
*Plaintiffs – Appellants,*

v.

BRUCE D. GREENSTEIN, in his official capacity as Secretary of the  
Louisiana Department of Health and Hospitals,  
*Defendant – Appellee.*

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On Appeal from the United States District Court  
for the Middle District of Louisiana

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Bobby Jindal  
GOVERNOR



Bruce D. Greenstei  
SECRETARY

**State of Louisiana**  
Department of Health and Hospitals  
Bureau of Health Services Financing

March 17, 2011

District Attorney Hillar C. Moore  
19th JDC District Attorney's Office  
222 St. Louis Street, Suite 550  
Baton Rouge, LA 70802

Re: Referral of Delta Clinic of Baton Rouge, Inc. (Abortion Clinic)

Dear Mr. Moore:

Out of an abundance of caution and based on a commitment the Department made to the complainants regarding this abortion clinic, we are sending this information to your office for review and possible action.

Enclosed are copies of the survey reports which were generated as a result of on-site surveys conducted by this Department at Delta Clinic of Baton Rouge, Inc., an abortion clinic, located at 756 Colonial Drive, Baton Rouge, La. 70806 on 12/07/2009 and 02/03/2011.

If you have any questions, please feel free to contact me at 225-342-6096.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dora Kane".

Dora Kane, RN  
Non-Long Term Care Supervisor  
Health Standards Section

Enclosures

**State of Louisiana  
Department of Health and Hospitals  
Bureau of Health Services Financing**

Sent the same form letter to the following:

Dr. Robert Marier, M.D.  
Executive Director  
Louisiana State Board of Medical Examiners  
P.O. Box 30250  
New Orleans, LA 70190

Office of the Inspector General  
Attention: Health Care Division  
150 Third Street, Third Floor  
Baton Rouge, LA 70801

DEA  
3838 N. Causeway Blvd., Suite 1800  
Lakeway III  
Metairie, LA 70002

July 11, 2011

Mr. Clapper:

>

> Per your request and Mr. Russo's email response, this will address the following public information and documentation:

>

> 1. Gentilly: Based upon an on-site survey of May 6, 2011 the Department issued (1) a notice of immediate license suspension and (2) a notice of license revocation to Gentilly Medical Clinic For Women on or about May 24, 2011. The provider filed a civil action in 19th Judicial District Court on or about June 3, 2011, seeking injunctive relief from the immediate suspension of the license. A temporary restraining order (TRO) was issued by the 19th Judicial District Court, against the Department, on the issue of the immediate suspension. On June 16, 2011, the 19th JDC judge ordered DHH to conduct another survey at Gentilly, extended the TRO until August 5, 2011, and has set the Preliminary Injunction Hearing for August 4, 2011. Due to the TRO issued against the

Department, this clinic is allowed to operate pending the preliminary injunction hearing on the immediate suspension of the license. If a preliminary injunction is issued against the Department, then the clinic will be allowed to continue to operate pending their license revocation hearing at the administrative level.

>

> 2. Delta: The Department conducted an on-site survey on or about February 3, 2011 and certain deficiencies were cited (copy attached); the Department required that an acceptable Plan of Correction be submitted to DHH, addressing these deficiencies. The Department issued a civil monetary penalty/sanction letter regarding these deficiencies cited at the February 3, 2011 survey; a copy of that sanction letter is attached. Additionally, as verified previously, the Department made referrals to the Board of Medical Examiners, the East Baton Rouge District Attorney's office, the DEA, and the Office of the Inspector General. (Copies of these referral letters are attached.) The Department also conducted a follow-up survey on March 30, 2011, at which time, all deficiencies from the February 3, 2011 were cleared, and no new deficiencies were cited.

>

> 3. Causeway: The Department conducted an on-survey at Causeway Medical Center in late January 2011; certain deficiencies were cited (copy attached); the Department required that an acceptable Plan of Correction be submitted to DHH, addressing the deficiencies. The Department issued a civil monetary penalty/sanction letter regarding the deficiencies cited at the January 2011 survey; a copy of that sanction letter is attached. The Department also conducted a recent follow-up survey on June 27, 2011; the results of that survey are pending. Once the results are provided to the clinic and are public record, I will provide a copy to you as well.

>

>

> Thank you for your attention to this matter.

>

> Kim Humbles



## **The Wolf in Doctor's Clothing**

**Are departmental bureaucrats and shady abortionists endangering Louisiana women?**

**By Kendra R. Chamberlain**

Published [September 7, 2011](#)



The American Holocaust Memorial is housed in an older location of the Delta Clinic. (Credit: David S. Lewis)

*Editor's Note: The Delta Clinic refused to comment on this story. Neither Planned Parenthood nor the Center for Reproductive Rights returned requests for comment.*

The Delta Clinic of Baton Rouge gained sensational notoriety in 1999, when WAFB news reporter Julie Baxter did a series of stories on the sub-par conditions of the clinic, and the inadequate staff. What ensued was a string of political posturing and bureaucratic maneuvering that led to Gov. Mike Foster declaring a public health emergency, and ordering the state Department of Health and Hospitals to inspect all abortion clinics in Louisiana. A decade later, the Delta clinic is still operating, and despite calls from activists, politicians, and former patients of the clinic, the DHH insists it has no reason to shut down the clinic.

### **The Delta Clinic's dark days**

As news of physician Kermit Gosnell's "House of Horrors" broke in January of this year, some Baton Rouge residents might have noticed a familiar name in the headlines. When Gosnell was arrested and charged with eight counts of murder for performing live birth abortions, eight other suspects were also arrested, including one Eileen O'Neill.

Formerly known as Eileen White, O'Neill had been a physician for the Delta Clinic in the 1990s, and garnered heavy scrutiny in the WAFB reports because she wasn't a licensed physician – though she did go to medical school. She was dismissed from LSU's med school in 1998, while she was performing abortions at the Delta

Clinic. In the Gosnell case, O’Neill faces, among other charges, theft by deception for posing as a doctor.

It was then that state government authorities began scrambling to figure out who was responsible for inspecting and regulating abortion clinics in the state. The Office of Public Health said its hands were tied due to a technicality in licensing these types of outpatient centers. The Louisiana State Board of Medical Examiners, though able to revoke physician licenses, was not able to shut down the clinics. It appears that the Delta Clinic, along with all the other clinics in the state, had slipped through the bureaucratic cracks of regulation.

Prior to the WAFB exposé, the Delta Clinic had suffered a world of trouble. In 1994, the federal government filed a lawsuit against the clinic for dispensing narcotics illegally; when the clinic didn’t pay the fine, the building was put up for sale in an auction.

The St. Mary and St. Joseph Family Memorial Foundation, an anti-abortion group, purchased the building and now runs the American Holocaust Memorial there. Richard Mahoney, a staunch anti-abortionist and activist, seems to be the one-man show behind the memorial, which offers exclusive tours of the clinic – supposedly set up just as the Delta Clinic had been, with original equipment and blood stains. He also spends a few mornings a week praying outside the Delta Clinic.

Mahoney has dedicated a large part of his life to fighting abortion, and is well known by both the BRPD and the Department of Health and Hospitals for his activism and opposition to the Delta Clinic.

In a document entitled “Chronological History of the Delta Clinic of Baton Rouge,” Mahoney has compiled a list of violations for which the Delta Clinic has been cited. It reads like an exercise in the use of the phrase ‘failure of compliance.’

Mahoney, along with well known Christian attorney Mike Johnson – who was recently appointed to the Louisiana Commission on Marriage and Family by Gov. Bobby Jindal – alleges that a DHH ‘findings’ report from 2009 included a long list of violations at the Delta Clinic, including failure to report carnal knowledge of a

minor, failure to provide pre-abortion counseling, failure to maintain confidentiality of patient records, failure to gather and report complete information to the Office of Public Health, failure to ensure sterilization of syringes and intravenous injections, failure to de-contaminate equipment, failure to properly label, measure, and monitor doses of narcotics, failure to properly store, handle, and distribute intravenous medications, and failure to monitor and document cardio-pulmonary status.

The department didn't confirm whether these alleged findings were an accurate reflection of the DHH records. But when asked why the Delta Clinic has never been shut down, Stephen Russo, Deputy Counsel for the DHH, answered that the Department doesn't have any reason to.

"We had a licensing survey that we went out on in December of 2009, where we had a quite lengthy deficiency report," Russo said. "We didn't see anything in that report that would have jeopardized health or safety of women or put them in imminent danger."

The inspection resulted in a fine for the Delta Clinic, and a follow-up a few months later.

"We found that they had corrected and cleared the deficiencies that we found in that December survey," Russo said, meaning the Delta Clinic has received a clean bill of health from the DHH, so to speak.

### **Determining imminent danger**

Operation Rescue is a Christian activist organization that actively seeks the closure of abortion facilities around the country. In May of 2011, Operation Rescue filed a complaint with the Louisiana State Board of Medical Examiners against Mary Frances Gardner, a physician at the Delta Clinic, on behalf of an anonymous woman who received an abortion there in 2009. According to Operation Rescue, the patient was forced to undergo a hysterectomy, from an outside facility, as a result of her procedure at the Delta Clinic. However, the patient neither filed a complaint with the clinic nor did so with DHH.

“This extra knowledge was brought to our attention by Operation Rescue, and we dealt with it as a complaint as best we could,” Russo said of the incident. “When you get something that supposedly happened in 2009 in 2011, we did our best to try and figure out the veracity of the complaints and processed it pursuant to our protocols.”

Russo said that because there was no record of the complaint in 2009, the DHH had no proof of anything the patient had claimed happened. “And of course we processed that and did a complaint as best we can for something that’s...for lack of a better word, stale,” Russo said..

“It was so old that there was not enough information we could gather at the time to substantiate any or most of what was in the letter,” agreed LaVon Raymond Johnson, deputy general counsel of the DHH. “We did a complaint survey at the time; we didn’t substantiate anything, so for all intents and purposes the clinic is still in compliance with the regulations and has not been cited for any other deficiencies.”

The 2009 incident – if it is true – is one of many that Mahoney has compiled. He and his lawyers allege there have been multiple injuries at the clinic; including incidents in June 1994, one in October of 1996, April of 1999, July of 1999, January of 2002, and January of 2010. When all of these stories are laid out side by side, it’s hard to understand why, exactly, the DHH is allowing the Delta Clinic to continue to operate.

Many people are wondering the same thing. In January of 2011, Christopher Ferrara, president of the American Catholic Lawyers Association, released a statement indicating the association is interested in filing a lawsuit against the DHH if the clinic is not shut down.

The Department responded with a statement indicating they have done everything in their powers to investigate allegations regarding the clinic.

“We have met with the people filing the initial complaints. We have not received additional complaints since March of 2010, and

we have not received any requests for additional meetings from anyone on this topic,” the statement reads.

A month later, Sen. David Vitter sent a letter to Secretary Bruce Greenstein.

“I am writing to seek your immediate and personal involvement in investigating and taking all appropriate enforcement action against the abortion facility known as the Delta Clinic in Baton Rouge, Louisiana,” the letter states. “Recent media reports indicate that this abortion clinic has a record of grievances and possible serious violations more than sufficient to warrant immediate action...”

Russo said the department conducted what he called a “desk review,” a meeting in which the most recent complaint was discussed. He reiterated that there wasn’t enough information to warrant the closure of the clinic.

“So, as bad of a picture as the affidavit may have tried to paint, there was nothing therein that we could see that Delta really did anything wrong or out of compliance with our licensing regulations,” Russo said.

### **The new law and “zero tolerance” policies**

Last year, Sen.. Fred Mills successfully guided a piece of legislation to law that has given the DHH the authority to immediately shut down any abortion clinic, for any violation, without notice. Previous to this legislation, an abortion clinic had the ability to continue operations until the legal matter had been settled.

“We have rules and regulations, and if you don’t comply, much like any other clinic, we have a statute that will allow us to revoke licensure. It’s much the same as any other provider,” Russo said.

“The normal process for normal licensure, like for a hospital or nursing home – we go in, we seek to revoke a license, they can file a ‘suspensive appeal,’ meaning that they can stay open pending the results of any hearing that they seek. For abortion clinics and a couple other facility types, we have special powers to where if imminent health and safety of recipients [is jeopardized], we can

go in and immediately shut down a clinic or provider and we don't have to give them a suspensive appeal.”

Perhaps emboldened with this new authority, the DHH attempted to shut down two abortion clinics within the state.

The first item on the DHH agenda was the Hope Medical Group for Women, an abortion clinic located in Shreveport. In September of 2010, the DHH faxed over a letter notifying the clinic of immediate suspension. Citing a “recent investigation,” the DHH listed a number of violations witnessed at Hope Medical, including failure to properly monitor vital signs of patients, failure to have proper procedures for administering anesthesia, and failure to have trained professionals perform medical procedures associated with anesthesia.

“When we see this level of egregious conduct at a facility, it is incumbent on us to take steps necessary to protect our residents,” said DHH Interim Secretary Anthony Keck in a news release.

But the authority proved to be more vulnerable than perhaps even the drafters of the law predicted. A few days later, the activist organization Center for Reproductive Rights filed a lawsuit claiming the DHH was acting in an “arbitrary and capricious” manner in shutting down the clinic. Judge Michael Caldwell of the 19th Circuit Court, here in Baton Rouge, issued a preliminary injunction, which barred the DHH from enforcing the immediate suspension, and allowed Hope Medical to continue to operate..

A similar series of events occurred earlier this year, when the DHH moved to close down the New Orleans' Gentilly Medical Clinic for Women. In May of 2011, Sec. Greenstein issued a revocation of license to the clinic, citing two specific and repeated violations: failure to monitor a patient in recovery, and failure to provide nursing services that meet the needs of the patients. In June, another Baton Rouge Judge granted a temporary restraining order against the suspension. A week later, Judge Kay Bates held a formal hearing and extended the restraining order, ordering the DHH to conduct a follow-up survey on the clinic.

These two attempts demonstrate that even with the new law in place, it seems that the DHH's ability to shut down danger abortion clinics is still more talk than walk.

"Well, the best answer I can seriously give you is that's how the statute was set up," Russo explained, "...for the judge to come in and determine whether or not he believes the secretary had proper grounds to immediately suspend [the license]."

Russo said the department believes patients of these two clinics are in imminent danger, due to a lack of nursing services provided.

"...[T]hat was something surely in his [Sec. Greenstein's] mind and my mind [that] would put women in threat of immediate harm and jeopardy," Russo said. "The judge, looking at it, the best thing I can say – he didn't think it did."

What remains unanswered, though, is why the DHH has not pursued closing the Delta Clinic, in light of its rather off-putting history and record. The most significant offense, according to Russo: the DHH had cited the Delta Clinic for pre-filling the Report of Induced Termination of Pregnancy forms required by the state. The clinic had been printing the forms with markings indicating that no complications with any abortions ever occurred. "It's documentation, which we take serious, don't get me wrong," Russo said. "But normally, documentation, especially if it's not a repeat deficiency, is not something that we'd go to the lengths of revoking a license for."

In other words, the Department of Health and Hospitals has no impetus to shut down the Delta Clinic.

"We can only go out, one – in response to complaints, or two – going out once a year for licensing," Russo said. "So if we don't get a complaint and we catch them on a good day to where we don't find anything, technically

CONT'D.)

**THE**

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**FILES**  
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Orleans.  
Russo said the letters apparently were mailed to a DHH office that has closed, but eventually ended up in an office where they were recognized as public records requests.

"At that stage, we jumped right on them and followed our protocol," Russo said.  
On Oct. 31, Carol L. Haynes, the attorney supervisor and regional attorney for DHH's Region Three in New Orleans, responded that the information being sought "is either exempt from the Public Records Act or which does not exist."

On Nov. 29, Haynes wrote Mahoney and several others saying that DHH had identified 88 pages that could be released. She asked for a check to cover copying costs.  
Russo said that some of the anti-abortion advocates want DHH to go back and fill in the missing information on the forms. Mahoney said that is one of their goals.  
"You have to weigh the pros and cons of that," Russo said. "Some of these ladies, what kind of trauma is that going to put on them? They had an abortion five, six years ago and all sudden they're going to get a call saying we want information about your termination from five years ago."

# Abortion foes want files

## State agency says privacy law bars release of records

**BY MARK BALLARD**  
Capitol news bureau

Twenty anti-abortion activists say the state's health agency is blocking their public records requests to hide that many physicians who perform terminations failed to properly file thousands of mandatory reports.

That's not accurate, says the chief lawyer for the state Department of Health and Hospitals. State law specifically forbids disclosures of patient information gathered by physicians, including "The Report of Induced Termination of Pregnancy," said Stephen Russo, DHH's executive counsel.

"Pursuant to that same statute, they are clearly confidential," Russo said Thursday of the state law that requires the creation of the reports. "I didn't

make the law. It says the report shall be confidential. I cannot give that out."

"The reports are not 'medical records.' The patients are not identified by name," Mike Johnson, a Shreveport lawyer helping the 20 anti-abortion advocates, countered in an interview. "Regardless of where you're at on this issue, the data is noncontroversial because it's about women's health."

Though state law does not specify any document as "The Report of Induced Termination of Pregnancy," the law does say physicians need to collect 25 specific pieces of information, including "medical condition of woman at the time of abortion" and "complications by type." Physicians are required to document "the nature of the abortion complication diag-

nosed or treated." The patient is not named on the report but is identified with a number.

The law also states: "The report shall be confidential and shall not contain the name or address of the woman."

The information, according to state law, is supposed to be submitted within 30 days by the abortion clinic. DHH is supposed to collate and evaluate the data from the reports, then annually publish the statistics, according to state law.

Johnson said that officials with the Delta Clinic of Baton Rouge on Colonial Drive admitted in October 2009 on pages 27 and 28 of their statements to DHH that they often failed to fully fill out the forms. "Incredibly, Delta fraudulently pre-printed all of its state forms to contain typed data

indicating 'Father (of fetus)' was 'unknown' and typed data indicating there were no complications with any abortion performed," Johnson wrote in an email.

Richard Mahoney, one of the 20 activists filing public records requests, said Thursday they requested copies of the reports because they believe that thousands of the reports were submitted to DHH over the past decade or so without the necessary information included.

"Between the lawsuits brought by women, the HIPPA violations and affidavits from abortion clinic workers, we know there have been thousands of complications, and we think they have gone unreported," Mahoney said. HIPPA is the Health Insurance Porta-

bility and Accountability Act of 1996, which sets civil and criminal penalties and creates standards for the use and dissemination of health-care information.

"This is the data from which the state and federal government make public policy. We think the forms need to be correctly filled out," Mahoney said.

The 20 anti-abortion advocates have been asking to see the documents for more than two years, Mahoney said. They began writing public records requests in September and October, he said.

One of them phoned DHH and asked for a mailing address, Mahoney said, and they were given an address in New

> See FILES, page 4A  
(cont. above)

### Greenstein responds to request for abortion files

by mark ballard Capitol news bureau January 22, 2012 [20 Comments](#)

On the eve of a massive march against abortion through downtown Baton Rouge streets, the state health chief promised Friday to enforce a legal requirement that physicians who perform pregnancy terminations properly fill out the mandatory forms.

On Saturday morning, about 30 buses are expected to deliver people from across Louisiana to march down North 4th Street from Galvez Plaza near the Old State Capitol to the steps of the new State Capitol, said Benjamin Clapper, the executive director of Louisiana Right to Life Federation, a Metairie-based organization that lobbies for legislation that would restrict abortions.

The rally, which is cosponsored by several church-related groups, is to remember 39th anniversary of the U.S. Supreme Court decision in Roe versus Wade, which anti-abortion advocates say legalized abortions.

U.S. Sen. David Vitter, R-La., and Pastor Fred Luter of the Franklin Avenue Baptist Church in New Orleans, who also is First Vice President of the Southern Baptist Convention, are scheduled to speak, Clapper said. State Sen. Sharon Weston Broome, R-Baton Rouge, and Gene Mills, president of Louisiana Family Forum, also are scheduled to address the group. Gov. Bobby Jindal is in Miami at a family gathering and won't return to Baton Rouge until Sunday, according to Frank Collins, his press secretary.

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State Department of Health and Hospitals Secretary Bruce Greenstein on Friday met with representatives of 20 anti-abortion advocates who had filed public records requests seeking disclosure of about three decades worth of Reports of Induced Termination of Pregnancy.

Physicians are required by law to fill out a form for each procedure they perform. The reports are supposed to document 25 specific pieces of information about the woman and her pregnancy, how the procedure went and any complications.

Mike Johnson, a Shreveport lawyer, said the advocates he is helping suspect that many physicians over many years filled out the forms in advance and did not accurately portray what happened before, during and after the abortion. The state had either not noticed or ignored the improperly filed forms that are supposed to provide statistics used to set health-care policies, he said.

The goal of the public records requests was to press the Jindal administration to enforce the state law that levies penalties on physicians who fail to properly complete the forms, Johnson said. The assurances the group received from Greenstein on Friday answered those concerns, he said. "From my perspective, we seem to be entering a new phase of enforcement," Johnson said in an interview after the meeting.

Richard Mahoney, one of the anti-abortion advocates filing a public records request, said that Greenstein assured him that state government's history of failing to oversee and detect improperly filed forms was over.

"The concern here is that for decades there has not been recording of complications," Greenstein said. "If we have doctors doing surgical procedures who are falsifying records that must stop."

Greenstein said DHH instituted new procedures in August 2011 that require the forms to be filed electronically and to ensure no fields can be left empty.

He said he also agreed to find the form of a Baton Rouge woman who claims that complications caused by her abortion led to a hysterectomy. Greenstein, Mahoney and Johnson refused to identify the woman, who attended the meeting and provided the secretary with medical records.

Though numbered, the forms are not directly linked to specific patients, Greenstein said.

But using dates and other attributes, DHH staffers should be able to find the form the physician filled out on the woman's procedure. If the form does not include information about the complications, Greenstein said he would turn the matter over the District Attorney's Office in Baton Rouge for further investigation and possible prosecution.

2) <http://theadvocate.com/news/1830253-123/anti-abortion-activists-march.html>

March 20, 2012

The Department of Health & Hospitals has still not revealed the number of complications reported on the Report of Induced Termination of Pregnancy forms submitted between 1999 and 2010.

Secretary Bruce Greenstein:

I received Hillar Moore's response last week. He informed us that he will not prosecute our Jane Doe's case, due to his view of a statute of limitations time restraint. If he will not take on Jane Doe's case, he must prosecute the over 14,000 falsifications of the Report of Induced Termination of Pregnancy forms, and the concomitant crimes committed by Delta's physicians. Hillar even read to Shelly the litany of crimes Mary Frances Gardner and Delta committed against her. He must prosecute immediately the over 8,000 abortions that D'Orsay Bryant of Acadian Women's Clinic has performed over the past eight years without turning in one Report to the DHH. According to our knowledge, he has performed all these abortions without a clinic license. When we notified the DHH, we were asked for proof he was doing abortions. Even after submitting the proof to the DHH (Jennifer

McCoy's visit to the clinic on December 28, 2011) and our notifying you at our meeting on January 22, 2012, D'Orsay Bryant is still doing abortions on Acadian Blvd.

On March 9, 2012, DHH workers Dana Caine and Mrs. Dubay called Jennifer McCoy and took her report to get information about her scheduled abortion at Delta's on December 28, 2011. We were told that the DHH would make an unscheduled visit to Acadian Women's Clinic in the near future.

Considering the fact that D'Orsay Bryant has committed innumerable crimes over the past eight years, including not reporting all the molested children he has done abortions on, to the Child and Family Services (Child Protection Agency). He should have been closed down months ago.

As you're well aware, all this is not new. These crimes have been committed over the past 30 years, with watershed developments in 1999 and 2009. These developments were the product of those crimes being exposed by the media. The media exposed the DHH's, District Attorneys, and Attorney Generals' failure to recognize or prosecute for the thousands of violations committed. It was so bad in 1999 that the governor had to sign an emergency executive order in order to get the DHH to respond to our complaints. Affidavits from the clinic workers testified to those crimes being committed, and still we do not have any prosecution against any clinic or those abortionists involved. We have made nearly 20 reports to the DHH since 2009, and we are still waiting for justice to be done. I know that you contacted Hillar Moore, DA, both in March 2011, and in February 2012. When he was approached by WAFB he called you for a personal meeting. After that meeting, he basically said he would not prosecute.

We are holding an [HHS rally at the State Capitol](#) this Friday, March 23, 2012, protesting Obama's and Sebelius' HHS Mandate. Please contact Hillar Moore and arrange for prosecution of D'Orsay Bryant and Delta Clinic by then, or we will expose on the news at that time all that has been perpetrated by the abortion industry and the failure of the DHH and District Attorney to protect the citizens of Louisiana from these heinous criminals.

On March 2, 2012, The Advocate reported a front page story where "Governor Jindal signed an executive order in the wake of the sex abuse scandal at Penn State University which requires any witnesses to child sexual abuse to report the activity to law enforcement." "Pete Adams, Executive Director of the Louisiana District Attorney Association, said the proposals would create tools to put away heinous criminals."

I know that Secretary Bruce Greenstein has tried to get District Attorney Hillar Moore to prosecute since March 2011. However, we would like Bruce to notify Hillar Moore, DA, one last time, to close down and prosecute D'Orsay Bryant, Acadian Women's Clinic, and Mary Frances Gardner. Delta Clinic for the crimes they have committed over the past eight years. This will lay the burden of complicity squarely on the shoulders of Hillar Moore, DA.

*Ad Majorem Dei Gloriam,*

Richard Mahoney