



Bevin counsel: Planned Parenthood got bad info



[Deborah Yetter](#), @d_yetter 10:44 a.m. EST February 1, 2016

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(Photo: By Pat McDonogh, The CJ)

Planned Parenthood on Sunday released documents that show Kentucky officials, under former Gov. Steve Beshear, authorized it to begin providing abortions at its Louisville clinic.

The organization released the material seeking to refute claims from Kentucky Gov. Matt Bevin that the organization acted illegally.

"We in no way, shape or form would contemplate offering abortion procedures in anything but a legal environment," said Betty Cockrum, president and CEO of [Planned Parenthood of Indiana and Kentucky](#), or PPINK.

Bevin on Friday accused Planned Parenthood of providing "illegal abortions," saying it "brazenly set out to conduct abortions without a license."

Sunday, Stephen Pitt, general counsel for Bevin, said he is aware of the communications between Planned Parenthood and the Beshear administration. But Pitt believes the advice from the Beshear administration was wrong and said Planned Parenthood should have contacted the Bevin administration before proceeding to offer abortions while its license application was pending.

"The policy of the Bevin administration is that the law will be followed," Pitt said.

Bevin spokeswoman Jessica Ditto said the Bevin administration stands by its contention the clinic was not properly licensed and therefore was operating illegally.

"They didn't go through the proper procedure and that's why we're taking such a strong stance," she said.

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Emails last year between a Planned Parenthood lawyer and the top state official then in charge of licensing health clinics show that the official told the organization it must open without the license in order to get one.

That's because the state won't issue a final license until a state inspector makes an unannounced visit to the facility and inspects it after it has opened for business, Maryellen Myneer, the former inspector general with the Cabinet for Health and Family Services, said in an email to Planned Parenthood lawyer Carole Christian.

Mynear said Planned Parenthood must be providing "services for which it seeks licensure" in order to be inspected and receive a license.

Planned Parenthood filed the application Nov. 19, after Bevin, an anti-abortion Republican, was elected on Nov. 3 but before he took office Dec. 8.

Mynear assured Planned Parenthood such a licensure policy applied after Christian, in a Dec. 1 email, asked specifically whether that included an abortion facility, raising the concern someone might deem it unlicensed.

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Mynear said the policy did apply to the Planned Parenthood application.

"I realize the inherent conflict in this approach, but it is indeed the process by which the (inspector general) has historically issued licenses and is a reasonable application of all statutes and regulations read in conjunction with one another," according to Mynear's reply email of Dec. 1.

Pitt disputed that, saying that policy does not appear to have ever been applied to an abortion facility.

Mynear in an email also said that Planned Parenthood had submitted all necessary material for the application so that an inspection could be scheduled - which Pitt also disputed.

He said the application appeared deficient and was already under review by the Bevin administration when the controversy over the abortions erupted last week. Planned Parenthood should have known that, he said, but "They stuck their head in the sand."

Mynear, a lawyer appointed as inspector general by Beshear, left her job when his administration ended Dec. 7.

Planned Parenthood opened the Louisville clinic Dec. 11 in a renovated warehouse it bought last year. It began providing abortion services Jan. 21.

The political uproar began Thursday when the organization announced it had begun offering abortion services for the first time in Kentucky at the new clinic.

That same day, the Bevin administration issued a letter ordering Planned Parenthood to "cease and desist" providing abortion services while its license application was reviewed.

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Stephanie Hold, acting inspector general for the cabinet, issued Thursday's letter, citing several deficiencies in paperwork with Planned Parenthood's license application. The deficiencies related to agreements the clinic is required to have with an ambulance service and local hospital in the event a patient has complications.

Planned Parenthood on Friday said it would promptly submit any further information the state requires.

Cockrum said Planned Parenthood agreed to suspend abortion services while it sought to resolve the dispute.

She said the organization was blindsided by the statement the governor released late Friday blasting the organization for "illegal abortions," comments Cockrum said were "unwelcome" and "untrue."

"To get that kind of smackdown certainly is disappointing and not productive," Cockrum said.

Cockrum said she hopes Planned Parenthood can resolve differences over the license application but would not rule out a court challenge if Bevin's administration refuses to grant the license.

"Certainly if we feel that we have no choice, we will pursue judicial relief," she said. "I would like to avoid that."

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