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Bertha Bugarin Heads to Jail

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Not All Clinics Are Created Equal

How do the state of California and the medical board regulate doctors' practices where women receive abortions? Did these agencies not properly oversee Bugarin's clinics?

These sound like simple questions, but they are not. According to spokesperson Ken August of the California Department of Public Health, a doctor or group of doctors can open a medical clinic, and the clinic can provide services for women, including pregnancy counseling and abortions. Such clinics, however, if not accredited, are limited to providing terminations in the first trimester, when only local anesthesia is used.

But it is illegal for a layperson to operate a for-profit primary care clinic.

Doctors' offices and clinics run by doctors are not regulated by the Department of Public Health. Doctors are licensed by the Medical Board of California.

In his letter to Orange National Bank, Bertha Bugarin's accountant, Salvador Manzur, claimed that "the name Clinica Medica Para La Mujer De Hoy is the property of Bertha Bugarin. Dr. Bramer [*sic*] is not a primary or essential part of the operation." Manzur said that the source of revenue to Bugarin and Braemer Professional Management Company was the patients, not the doctors.

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A doctor or group of doctors can hire a management company to run the business side of a practice, but a management company cannot start up a clinic business and hire doctors to run the medical side. If this is what Bertha Bugarin was doing, how did she escape the notice of the Department of Public Health or the medical board? She had to have the help of a doctor.

One regulatory method the medical board uses is to maintain a database of fictitious name permits, which can only be issued to a doctor or a professional medical corporation, of which no layperson can be a member. Dr. Braemer applied for the fictitious name permit for Clinica Medica para la Mujer de Hoy, and when he did he signed the application, right beneath the statement that reads, in part, "I certify, under penalty of perjury...that all statements, answers and representations in this application...are true and accurate." One of the statements that he certified as true was that he "wholly owned and entirely controlled" Clinica Medica para la Mujer de Hoy.

Clinica Medica Doctors and Their Rap Sheets

Bugarin's clinics were opened in largely Hispanic or Mexican-American neighborhoods to serve poor women. Women, usually young, would see the clinic's ad and figure doctors would do the abortions. What they didn't know was there was no guarantee that a doctor, a licensed nurse, the proper equipment, sterile conditions, and emergency backup, all required by law, would be available for their terminations.

Here's how it worked. The doctors were on call; they zipped from clinic to clinic in Los Angeles as well as to appointments in Chula Vista as needed. Most of the doctors in the following list who performed abortions at Bugarin's clinics were disciplined prior to joining up or during their time with her:

Dr. Mohamed Dia was accused by the medical board of being party to the botched second-term abortion involving Braemer in 1996 and for gross negligence, repeated negligent acts, incompetence, and commission of acts involving dishonesty or corruption. He surrendered his medical license in 1999.

Dr. Kim Beauchamp had his license revoked in 1997 for gross negligence and incompetence in the death of an infant.

Dr. Gordon Goei lost his license in 1998 after he'd been put on probation three times. Earlier that year, while his license was suspended, he botched the abortion of a 26-week-old fetus, which, the *Los Angeles Times* reported, could have "survived outside the womb" and "was found in the trash at Family Planning Medical Group," where Goei worked.

Dr. Glenn Edward Miller's license was revoked in 2005 because he had long-term addictions to alcohol and drugs and, according to the medical board, delivered a baby while intoxicated. Bugarin testified at Miller's administrative hearing, saying that as the "administrator for six women's clinics" she had known Miller as a "staff doctor in the clinics for several years." She described him as "responsible, punctual, and professional" and indicated she would hire him back in a heartbeat.

Dr. John R. was on probation for three years, until 2006, for being under the influence of ecstasy at San Diego's Street Scene and for groping a young woman at the event. Luis Mendoza says that a few years ago he ran into John, who told him that he had "left the [abortion] industry" and was working in a gynecology office.

Dr. Mohammad Bararsani, a Los Angeles doctor, was placed on 35 months' probation in 2008. His disciplinary order reveals a web of negligence and incompetence. Bararsani worked at two clinics "knowing that the clinic was owned by an unlicensed person," according to the medical board. At three clinics where he worked, he knew that the offices "did not file for or have a Fictitious Business Name Permit in his name," which violated the California Business and Professions Code. Bararsani also performed abortions on two women with the aid of an unlicensed person, and in both cases, he failed to provide adequate pre-examinations, counseling, post-procedural monitoring, and medications for the patients.

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