

← Back to Original Article

Los Angeles

## Clinic, Doctor Faulted in Abortion Death

*A Planned Parenthood facility failed to follow established medical procedures, state says. The woman's family has filed a lawsuit.*

June 25, 2003 | Steve Hymon | Times Staff Writer

A 25-year-old woman bled to death last year after a Planned Parenthood clinic in East Los Angeles neglected to follow established medical procedures during an abortion, according to a report by the state Department of Health Services.

The report also found that the clinic failed to report Diana Lopez's death within 24 hours, as required, and that a doctor working there did not follow clinic policies that would have excluded the woman as a candidate for the procedure.

Lopez, of Huntington Park, was the mother of two small boys, who are now in the care of relatives. Her family has filed a lawsuit in Los Angeles Superior Court against Planned Parenthood and Dr. Mark Maltzer, who performed the abortion. The suit alleges that the clinic on East Kingston Avenue and Maltzer are responsible for the woman's wrongful death.

On Tuesday, the Medical Board of California confirmed that Maltzer is under investigation, but board spokeswoman Candis Cohen declined to say what spurred the probe.

Both the Department of Health Services and Planned Parenthood said that the problems that led to the violations have been fixed.

In a prepared statement Tuesday, Martha Swiller, acting president and chief executive of Planned Parenthood Los Angeles, said the patient had developed unusual bleeding problems but was awake and alert before being taken to the hospital, where she died.

"Everyone at Planned Parenthood Los Angeles feels tremendous sympathy for this woman's family and we share their grief," Swiller said. "While abortion is extremely safe, this is a tragic reminder that, as with all medical procedures, some risk does exist."

Planned Parenthood officials declined to comment further on the circumstances of the case because of a pending lawsuit by Lopez's family.

They confirmed, however, that Maltzer is still performing abortions at some of their 12 clinics in the Los Angeles area. Officials said Maltzer is from Sacramento but travels to Los Angeles to perform abortions -- not an unusual practice because of the limited number of doctors who perform the procedure.

Maltzer was not available for comment Tuesday, a receptionist at his Sacramento office said.

Lopez was about 18 weeks pregnant when the abortion began on the morning of Feb. 28, 2002. Within minutes, her cervix had been punctured during the operation and she began to bleed profusely, according to the state report.

Because doctors were unable to staunch the bleeding, Lopez was taken to Women's and Children's Hospital at County-USC Medical Center, where an emergency hysterectomy was performed, according to a report by the Los Angeles County coroner. She died at 2:45 p.m. of trauma from the procedure, the coroner's report said.

Among the most serious allegations in the state report is that Maltzer violated clinic procedure because he went forward with the abortion even though Lopez's hemoglobin levels were below the clinic's standards. Low hemoglobin levels often lead to increased bleeding.

The report also states that Maltzer did not follow the clinic's standards in waiting until Lopez was sufficiently dilated before the procedure.

The clinic did not report Lopez's death to the state until a week later, even though such notification is supposed to be done within 24 hours, the report said.

The report also found that Planned Parenthood's patient records lacked basic information on Lopez's care and condition.

The lawsuit against Planned Parenthood and Maltzer alleges that Maltzer "worked so quickly, recklessly and negligently pulling out sharp body parts of Diana Lopez' 19-20 week-old unborn infant that severe, irreparable damage was done."

The suit also alleges that Maltzer failed to accompany Lopez to the hospital, nor did he speak with doctors there or with the Lopez family after she died.

Planned Parenthood denies the allegations, as does Maltzer, according to court papers.

Deaths such as Lopez's are rare. There is one per 27,000 abortions in cases where the woman is 16 to 20 weeks pregnant, according to statistics compiled by the Alan Guttmacher Institute, a New York City nonprofit focused on sexual and reproductive health research.

Eleanor Drey, acting medical director of the Women's Options Center at San Francisco General Hospital, who was not familiar with the Lopez case, said that tearing the cervix is a risk during abortions, although it is rare.

"When pregnant women bleed they can bleed a lot," Drey said.