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Abortion clinics operator is charged

Bertha Bugarin, 48, allegedly ran medical facilities where improper procedures were performed. She has pleaded not guilty.

By Tiffany Hsu, Los Angeles Times Staff Writer
February 8, 2008

By the time paramedics arrived, the patient was lying in a pool of her own blood, her pulse racing and her blood pressure dangerously low.

The woman, identified only as Angela P. in records of the Medical Board of California, had gone to the Clinica Medica Para la Mujer de Hoy in Santa Ana in the summer of 2004 for an abortion.



Facility
[click to enlarge](#)

Dr. Phillip Rand, then in his early 80s, performed a vaginal suction procedure, despite having determined that Angela was about 20 weeks pregnant, well into her second trimester. She was given no anesthesia or painkillers.

According to the National Abortion Federation, vacuum aspiration procedures are normally performed on women who are up to 14 weeks pregnant. After 14 weeks, a more complicated procedure, known as dilation and evacuation, is standard.

"A suction abortion is not appropriate at 20 weeks," said Vicki Saporta, president of the federation.

Angela P.'s experience was cited in a 2004 medical board accusation against Rand as "barbaric" and a "severe departure" from a reasonable standard of care. Rand surrendered his license in 2005.

Rand was one of at least six doctors with histories of malpractice complaints, addiction or medical board actions who were employed by a chain of Southern California abortion clinics, according to court and medical board records.

Now Bertha Bugarin, 48, who authorities say manages the clinics, has been charged with practicing medicine without a license on five patients in February and March 2007, according to a statement from Los Angeles County Dist. Atty. Steve Cooley's office. Her sister Raquel Bugarin, 49, is accused of helping with the procedures. Both have pleaded not guilty.

The two sisters were arrested last summer, but a protective order filed in the case has made information difficult to obtain. Bertha Bugarin's attorney, Rickard Santwier, declined to comment, as did her sister's attorney, Christopher Chaney.

The prosecutor, Deputy Dist. Atty. Carolyn Nakaki, would not discuss the case or details of the sisters' connection to the clinics.

A fictitious name statement from 1991 filed for the business lists Bertha Bugarin as the person behind Clinica Medica Para La Mujer de Hoy, although paperwork filed with the medical board lists Nicholas Braemer, a Torrance doctor who lost his license in 2000, as the sole registrant of the clinics between 1991 and 1999.

The clinics, which according to an associate of BerthaBugarincatered primarily to low-income Latinas, operated in several Southland locations.

Cooley's statement refers to offices in Baldwin Park, Huntington Park, Los Angeles and Panorama City, operating either under the name Clinica Medica Para La Mujer de Hoy or Community Women's Medical Clinic. Public records contain references to four more locations, in Chula Vista, North Hollywood, Torrance and Santa Ana. One clinic doctor said in a deposition for a 2002 malpractice suit that there were nine clinics.

Since the early 1990s, at least 12 personal injury and malpractice lawsuits and one wrongful death suit have been filed in Los Angeles County against Bertha Bugarin, the clinics or both. The defendants in the suits denied most of the allegations.

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At least six of the 13 cases ended in settlements or judgments against the defendants, according to court records and attorneys. The records of one case have been disposed by the court, and another case was dismissed when the plaintiff failed to hire an attorney or show up for a status conference. In the remaining cases, resolutions were not clear from the court files, and several attorneys involved in the lawsuits said they didn't recall the outcomes.

According to a letter from Bertha Bugarin's accountant contained in a court file, Bugarin developed the clinics herself, hiring the doctors to work on an on-call basis.

Bertha Bugarin was arrested Aug. 1 and released on \$500,000 bail. Her sister was arrested Sept. 6 and released on \$100,000 bail. Each could face up to six years in state prison if convicted.

Some doctors associated with the clinics have had repeated problems with the medical board. Braemer, the Torrance doctor who appears on some public records as owner of the clinics, admitted to the board in 1994 that he performed an abortion in 1987 that removed only one arm of the fetus. The patient expelled the rest of the fetus the next day.

The board put Braemer on probation for five years, but then accused him at least three times of violating the probation terms, which included only performing abortions in approved facilities. Clinica Medica was not an approved facility under his probation terms.

In 1999, the board accused Braemer of leaving a fetus' cranium and placenta inside a patient during a 1996 abortion at the Panorama City clinic.

The woman eventually spent a month in a Torrance hospital having her bowel repaired and multiple abscesses drained, the board said.

Braemer surrendered his license in 2000, after a medical board investigation of several Clinica Medica clinics. Without a physician present, unlicensed receptionists performed ultrasounds on undercover investigators posing as patients, according to medical board records. In the board's record of the surrender, Braemer also admitted gross negligence in the 1996 abortion. Braemer could not be reached, and calls to several of his former attorneys were not returned.

Other doctors who performed abortions at the clinics include:

* Torrance-based Mohamed Dia, who surrendered his license in 1999. He admitted to the medical board that he used a van to bring a bleeding patient to a hospital after perforating her uterus and leaving part of the fetus in her body during a 1996 abortion at Clinica Medica.

* San Diego-based osteopath Laurence Reich, who surrendered his license in 2006 after pleading no contest to misdemeanor criminal charges of sexually exploiting two patients during abortions in 2000 at clinics not associated with Bugarin. His conviction was expunged in 2004 after he completed a yearlong probationary period and paid the court a \$100 restitution fine, according to a Van Nuys court file.

One of the patients, Sherman Oaks resident Yvette Chambers, 43, said in a phone interview that Reich groped her breasts and asked explicit questions during an abortion at a Van Nuys clinic.

An earlier board accusation in 1982 had accused Reich of sexual abuse in three cases in 1981 and 1979. Reich asked the women to masturbate and rubbed their genital areas, according to the accusation, which led the board to put Reich on probation for 10 years until 1994. Reich could not be reached for comment, and his attorney, Santwier, declined to comment.

* Santa Monica-based Glenn Edward Miller, an admitted alcoholic whose license was revoked by the medical board in 2005 due to repeated substance abuse relapses. Miller was on probation for performing obstetrical procedures while under the influence of alcohol when he began working in Bugarin clinics in about 2003, according to board records.

That same year, Miller and Rand settled a malpractice lawsuit filed by a woman who said they gave her an abortion at a non-Bugarin clinic in 2002 even though she was not pregnant, rupturing her uterus in the process, court records said. Miller could not be reached for comment.

* George Dalton Flanigan, who was hired as an independent contractor at five Bugarin clinics in 2002, according to court documents. That same year, at an unnamed hospital, he delivered a dead baby using a vacuum procedure after refusing to perform a cesarean section, according to a board accusation that led to a 2007 decision to put him on probation for five years. Both Flanigan and his former attorney Arthur Selesnick declined to comment.

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Times staff writer Daniela Perdomo contributed to this report.

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