

Abortionist Bertha Bugarin heads to jail

Chula Vista clinic operator wanted to practice medicine badly

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Dr. Nolan Jones in front of Clinica Medica para la Mujer de Hoy. Jones was to be monitored by another physician who had to submit quarterly reports about Jones's performance.

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In October 2007, Michael Varga, a police officer assigned to the Chula Vista Police Department's Special Investigations Unit, began interviewing women about the abortions they had received at a local clinic, Clinica Medica para la Mujer de Hoy. The storefront clinic, with its dull turquoise awning, was located on Broadway, next door to Plaza's Mexican Food. Its windows were blacked out and the image of a stylish woman was drawn onto one pane. For years, the clinic had targeted Spanish-speaking women with low-cost terminations of their pregnancies.



Varga was investigating Bertha Pinedo Bugarin, a layperson who was purportedly the owner/manager of the Chula Vista clinic as well as five other medical offices in Los Angeles and Orange counties, each specializing in cash-only abortions. Months earlier, the Health Authority Law Enforcement Task Force in Los Angeles had begun its inquiry into Bugarin's operation. It had obtained a search warrant, and among the patient records it seized were 56 from clients

herself. I didn't want to believe that she'd be doing that."

to a declaration Varga made to the San Diego Superior Court. The task force had turned these records over to Varga.

Nine of the 56 women agreed to look at a photographic lineup of potential female suspects. Each of the nine, all of whom complained about their abortions, identified Bugarin as the one who had done the procedure. Eight had been charged between \$300 and \$500. Most of the women said





Phillip Rand. There were more than 40 personal injury and malpractice lawsuits filed against him.

Bugarin wore a white lab coat and called herself a doctor. Several suffered complications; a few told Varga that they experienced extreme pain. To several, Bugarin prescribed or dispensed medications.



Nicholas Braemer, Bugarin's partner, was convicted in 1983 of Medi-Cal fraud and placed on probation again in 1995, this time for a botched abortion in 1987.

Varga noted that the Medical Board of California confirmed that Bugarin was "not a medical doctor or physician, she was unlicensed, and had never held a physician's license to practice medicine." But on these nine "unwitting victim-patients" she had performed abortions.



Lawrence Reich worked with Bugarin until 2006, when, in another case of medical malpractice, he had to surrender his license.

One of the nine, Marta C., went to the Chula Vista clinic on March 9, 2007. Bugarin injected Marta with a local anesthetic, performed the procedure, gave her pills to take, and told her to come back

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Another of the nine, Lindsey T., paid \$2000 for a late-term abortion on March 7, 2007. Bugarin placed a laminaria, a small piece of dried seaweed, into Lindsey's cervix. Over the course of a day, the tubular seaweed would absorb moisture and swell, dilating the cervix to allow for the abortion. Bugarin told Lindsey to go to another clinic she owned in Santa Ana for the next procedure.





Steve Turnipseed worked at Bugarin's North Hollywood and Panorama City clinics in 1999 and 2000. He was disciplined by the medical board in 2004 for performing abortions on two women "without the personal presence of a licensed physician and surgeon."



Nolan Jones. Charged with causing the death of a baby, Aldo Carrillo, Jones ruptured the membranes of Aldo's mother and then left the hospital for three hours.

According to Varga's declaration, Lindsey said that the laminaria caused her to suffer extreme pain. The next day in Santa Ana, she changed her mind about terminating her pregnancy and decided she wanted to deliver the baby. Bugarin agreed and said that once she removed the laminaria, the baby would be all right. But Bugarin had difficulty removing the tube and "had to call someone to get instructions," Varga's statement says. After Bugarin finished, Lindsey "suffered more pain." Bugarin gave her a prescription. But Lindsey continued to have complications and was admitted to an emergency room at a local hospital for further treatment. About a month following the procedure, the baby was born prematurely and died shortly after its birth.

Bertha Bugarin was arrested in San Diego on June 19, 2008. She was charged with nine felony counts of practicing medicine without a license, one felony count of grand theft, and one misdemeanor, "dispensing dangerous drugs." At her arraignment, Bugarin wore her black hair very long; her oval face seemed downcast, her expression, lost. Bugarin agreed in December to plead guilty to all ten felony counts and will be sentenced February 27.

Two of Bugarin's assistants in Chula Vista — Luz Catalina-Gomez, 23, and Paloma Yonna Solorzano-Rodriguez, 27 — were charged with four counts of aiding and abetting Bugarin and one count of grand theft, all felonies. According to the California Penal Code, anyone who aids a "principal" in committing a crime is also charged as a principal in the crime. The district attorney says that both women knew Bugarin was not a doctor. Their case has been continued until March.

Nicholas Braemer: a history of medical malpractice dating back to the 1980s

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During the task force's investigation in Los Angeles, five patients came forward and identified Bugarin as the woman who, posing as a doctor, performed abortions on them and gave them drugs. On August 1, 2007, Bertha was arrested in Los Angeles County and released on \$500,000 bail; on September 6, her sister Raquel was arrested and released on \$100,000 bail. Bertha was eventually charged with 16 and Raquel with 7 felony counts of practicing medicine without a



license. (Bertha also faced 1 count of grand theft and 2 misdemeanor counts of dispensing medication without a license.)

Following the Bugarins' arrest, the Los Angeles court ordered the siblings not to practice medicine, not to hire or engage licensed physicians to provide medical services, and not to enter the clinics in Panorama City, Los Angeles, Baldwin Park, Huntington Park, and Santa Ana, as well as the clinic in Chula Vista. From these clinics, authorities confiscated equipment and records. Among items listed in court records were "machinery used to conduct abortions"; medical supplies and equipment; "dangerous controlled substances and dangerous devices, i.e., used and unused syringes with needles and unsterilized medical instruments"; "human fetuses stored in plastic containers"; and "patient records, many of which would indicate that abortions were not performed by a licensed physician."

In September 2008, Raquel pleaded no contest in an L.A. courtroom to three counts of practicing medicine without a license. She received three years' probation and agreed to do 500 hours of community service as well as pay \$3270 in restitution. Raquel was described in court documents as "a passive participant," identified by six patients. "Her role was limited to using ultrasound equipment and assisting Bugarin during medical procedures."

In December 2008, Bertha pleaded no contest in Los Angeles Superior Court to seven counts of practicing medicine without a license. A requirement to pay restitution of \$7885 to 16 patients was imposed before sentencing.

When Bugarin was doing abortions herself between mid-February and mid-April 2007, she charged patients from "\$320 to \$900 in cash before receiving any medical treatment," according to a sentencing memo. Patients in Los Angeles said that Bugarin wore "a white doctor's coat or robe, white lab coat, white nurse's 'robe' or white 'sweater' like one for a doctor." As in Chula Vista, several patients told investigators that they "did not receive anesthesia or pain medication during the procedures" and "experienced moderate to severe pain." Some said they had "fever or heavy bleeding." Patients were told that "this was normal" or it was "just a matter of [the patient's] hormones [coming] back into functioning normally." One patient said of Bugarin's technique that "it felt like her insides were being torn apart."

At Bugarin's sentencing hearing last month, she sobbed and said she had "never been more ashamed." The deputy district attorney asked for a five-year sentence, calling Bugarin's actions callous and cruel. The judge noted that Bugarin was not "an evil person or a hardened criminal." He sentenced her, a week after her 49th birthday, to three years and four months in state prison.

Shut Down or Still in Business?

Though Bugarin and her sister were ordered on September 7, 2007, not to enter the Clinica Medica para la Mujer de Hoy in Chula Vista, the facility remained open after the Bugarins' arrest in Los Angeles. That month, South Bay antiabortion activist Luis Mendoza, who's been counseling people against abortion at the Chula Vista clinic, photographed Bugarin going into the clinic wearing a sleeveless black shirt and blue jeans and carrying a stethoscope around her neck. Mendoza, who knew Bugarin was not a doctor or a nurse, gave a copy of this photo to the Chula Vista police as evidence.

Other clinic watchers, members of antiabortion prayer groups that monitor the clinic's activity, saw Dr. Nolan C. Jones enter the Chula Vista facility. Mendoza said that for years he has seen Jones

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Jones was disciplined by the California Medical Board in 1999, 2002, and 2004 for gross negligence, among other things. On each occasion, the board ordered probation. (The way it has worked is that the board revokes Jones's license, then "stays the revocation" and places him on probation, adding on time to his probation in 2002 and 2004.) In August 2004, the medical board extended Jones's probation five years. The 2004 disciplinary order involved three elective



abortions Jones did in 2002 and 2003 in the Latino suburb of Huntington Park and in L.A. In three instances, he was cited for not obtaining a blood count before the abortion and in one, for not having an oxygen tank available during the procedure, “an extreme departure from the standard of care,” according to the medical board. In the 2002 case, the girl, 16, had difficulty breathing and suffered an asthma attack. Without oxygen, she had to be rushed to a hospital, where she recovered.

Jones gave two of these patients “improperly labeled dangerous” drugs, tetracycline in an envelope that lacked the labeling the law requires.

Jones’s probation included the following conditions: he was required to take 40 hours of educational programs each year; he had to enroll in a “clinical training program” designed to assess a physician’s physical and mental health; he was to be monitored by another physician who had to submit quarterly reports about Jones’s performance; he had to “ensure that he has appropriate staff and equipment available when performing surgeries”; he could not supervise physician assistants; he had to be available for interviews at his place of business; and he owed \$7374.

The terms of Jones’s probation did not prohibit him from doing abortions.

Mendoza spotted Jones on the weekend of October 20, 2007, going into Clinica Medica para la Mujer de Hoy in Chula Vista. Mendoza said that while monitoring the clinic that day he saw “female patients...entering for surgery.” Mendoza, who said he observed all day, noted that “no one was in the business except for Dr. Jones.” If this was true — and if Jones was doing abortions — it would be a violation of term number seven of his disciplinary order, which states that he must have appropriate staff available when performing surgeries.

When I spoke with Mendoza in summer 2008, Clinica Medica para la Mujer de Hoy was closed. Last month, he and another source tipped me off that the office had reopened under a new name. I visited the Chula Vista clinic and found it reopened as A Woman’s Choice Family Planning Clinic. The front office and its waiting room had been renovated with soft lighting and a giant plasma TV. A man named John, wearing scrubs, said that he was there to give out information to walk-ins. No doctors were present. John said he believed the office space was leased and the business run or owned by three doctors: Nolan Jones, W. Constantine Mitchell, and Andrew Rutland. John said they would soon open with all-new equipment but so far had done no procedures.

Lawrence Reich: his story one of the most scandalous in Southern California medical history

I called the Orange County phone number advertised on the front window and spoke briefly with Dr. Mitchell, who confirmed that he and the other two doctors would be practicing medicine at A Woman’s Choice. He turned me over to a secretary, Michelle, who said that there were two more doctors, one Rutland’s daughter, Dr. Costanza Rutland, and another whose name she’d forgotten. (Costanza Rutland currently practices at an ob-gyn clinic in Virginia.) A total of five doctors would be working in Chula Vista. She didn’t know who owned the business.

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Diego for A Woman’s Choice Family Planning Clinic. The statement said the business was owned by an individual, Andrew Rutland. On January 26, the medical board issued a fictitious name permit for A Woman’s Choice in Rutland’s name.

Andrew Rutland surrendered his license in 2002 after he was involved in two neonatal deaths, but the board reinstated it in 2007, subject to a five-year probationary period. During his probation,



Rutland must be monitored regularly and pass an oral and/or written medical exam. The medical board states that Rutland has "limits on practice," one of which is that he cannot engage "in the solo practice of medicine." Dr. Mitchell was placed on probation in 1983 and completed it. Dr. Jones's license has expired and is currently delinquent.

A History of Clinica Medica

The doctor who set up the chain of abortion clinics most frequently named Clinica Medica para la Mujer de Hoy was Nicholas Braemer. Braemer graduated from the University of Alberta, Canada, medical school in 1964 and was licensed in California in 1966. In Los Angeles County, in 1978, he first applied for a fictitious name permit for his own medical office. He would go on to open more offices and file permits for the next 20 years. The law requires that doctors apply for a permit with the board if they are "practicing under a fictitious, false or assumed name in any public communication, advertisement, sign or announcement," according to the medical board's website. Laypersons cannot own a permit.

The first of Braemer's medical offices to be called Clinica Medica para la Mujer de Hoy was registered with the board in October 1991, at 2140 West Olympic Boulevard, near downtown Los Angeles and not far from MacArthur Park.

In 1990, Braemer partnered with Bertha Bugarin, a U.S. citizen who was born in Guadalajara, Mexico, in 1960 and a resident of Granada Hills, California. She came to the United States at age 13 and, for a time, attended high school before dropping out. In 1978, she began working as a legal assistant for the law offices of Zachary Sachs. There, she helped with "client intakes" and with "interpreting for the law firm's Spanish-speaking clients," according to Bugarin's sentencing memo. She also "accompanied clients to Independent Medical Examinations to assist in translation." She studied at a Hollywood school of beauty, amassing 1300 hours of supervised care but left when she got pregnant.

From 1986 to 1990, Bugarin worked in the Van Nuys medical office of Dr. Lawrence (aka Laurence) Reich, an osteopath and gynecologist who, at the time, was on ten years' probation for sexual abuse of four patients, among other charges. At Reich's office, Bugarin "served as the general manager of the practice, setting up appointments, confirming insurance coverage, and submitting forms for insurance company payments," according to Bugarin's sentencing memo. Reich's practice included abortion procedures and family planning services.

In 1993, Braemer and Bugarin filed papers of incorporation for Bugarin and Braemer Professional Management Company, the business entity that managed the clinics. The next year Bugarin incorporated Bugarin Management Company, which was "suspended" in 2001. According to the secretary of state's office, the suspension occurs when a company stops reporting taxable income. In 1998, Bugarin incorporated Villa Jal Professional Management. In 2000, she opened a Brazilian restaurant in Panorama City. Four years later, she was selling skin-care products and beauty supplies.

According to the deputy district attorney's sentencing memo, Bugarin was the "office manager" of the clinics. Bugarin described her managerial responsibilities as "preparing the doctors' schedules, providing the equipment, writing out checks, and determining the doctors' and employees' salaries." She also "received a percentage of the revenue from the clinics, somewhere between 40 to 60 percent, depending upon the amount of money she had 'put up front.' "

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North Hollywood, Los Angeles, Palmdale, Santa Ana, Baldwin Park, Huntington Park, Montebello, and Torrance. That year Braemer also had permits for at least three other names: Community Women's Medical Clinic, Family Planning Medical Center de la Comunidad, and Clinica Medica Amiga.

Despite the success of the clinics, Braemer, who had a history of medical malpractice dating back to the 1980s, was facing new accusations. The medical board first placed him on probation in 1983,



when he was convicted of Medi-Cal fraud. He was placed on probation again in 1995, this time for a botched abortion in 1987, for which he was not accused until 1993 and not disciplined by the medical board until two years later. According to state records, Braemer performed a "dilation and extraction," an "elective abortion," on a 27-year-old female, 15 to 18 weeks pregnant, in August 1987. Braemer removed only "one arm of the fetus, and the remainder was left behind. Through haste, inattention, and neglect," he "failed to notice that he had not removed the entire fetus." He sent the woman home with antibiotics. The next day, with "labor-like pains and fever, while at home, the patient miscarried a stillborn fetus missing an arm." The woman was hospitalized for infection and later released.

Steve Turnipseed, disciplined by the medical board for performing abortions without presence of physician

For this, Braemer's license was suspended for 90 days and he was then placed on five years' probation. Among the terms of his probation, including a course in ethics and monitoring by another California-licensed physician who served as a sort of parole officer, were the stipulations that during this period he was prohibited from performing third-trimester abortions and that he "shall perform abortions only in a hospital approved by the Joint Commission on Accreditation or in a practice setting approved in advance by the Division or its designees." Whether the medical board approved of it or not, Braemer continued to perform abortions at Clinica Medica para la Mujer de Hoy.

By late 1995, with Braemer in trouble, Bugarin seemed to take over the reins. She was hiring doctors to fill the workload at the clinics, and she may have needed money to finance the business's growth. In early 1996, Salvador Manzur, an accountant in Claremont, California, wrote a letter to Orange National Bank on behalf of Bugarin to provide "additional information regarding the activity of the corporation [Bugarin and Braemer Professional Management Company]." The letter states that "the whole concept" of the clinics has been "devised by Bertha Bugarin, majority shareholder and CEO of B&B. All the locations of the clinic were picked by Ms. Bugarin. She negotiated all the leases and has given her personal guarantee on them." When patients use the clinic, "They don't come to see Dr. Braemer or any other doctor in particular... Braemer is not a primary or essential part of the operation. When Dr. Braemer had a temporary suspension, Dr. Mohamed Dia was hired to take his place." The letter says that the doctors are "on call." It ends by saying that the clinics' concept "targets Hispanic women in certain key areas. The concept, the name and the approach all belong to Bertha Bugarin."

Bugarin's sentencing memo states that in 1996, Braemer "sold his interests" to Dr. Lawrence Reich. However, Braemer continued to hold the fictitious name permit for Clinica Medica para la Mujer de Hoy for another four years, until he lost his license. Bugarin "continued to maintain [the clinics'] offices with Dr. Reich" until 2006, when, in another case of medical malpractice, Reich had to surrender his license. Meanwhile, Bugarin attended courses, the sentencing memo continues, "for the training of medical assistants in Los Angeles. She learned how to perform abortion procedures by assisting and observing physicians" as they performed abortions.

The Chula Vista Clinic

In Chula Vista, in 1999, Bugarin opened Clinica Medica para la Mujer de Hoy on H Street. She may have chosen the location because of its proximity to Tijuana, where abortion is illegal, and to Interstate 5. In addition to Braemer and Reich, Bugarin hired other physicians to do abortions at

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In 2000, the maintenance supervisor of the Chula Vista clinic told members of the California Life Coalition, an antiabortion group, that when "Clinica Medica representatives" signed the lease, they "assured the property owner that they would only be providing prenatal care." When the landlord found out about the abortions from TV spots, the owner contacted an attorney but could not get the lease terminated. Eventually, however, when the lease came up for renewal in 2001, the landlord did not renew it, and the clinic closed. In 2002, Clinica Medica para la Mujer de Hoy was moved to 1550 Broadway.

During the early 2000s, Bugarin advertised regularly on Spanish-language television in San Diego and Tijuana. In some spots, she dressed in a white lab coat and wore a stethoscope around her neck. She would not use the word “abortion” on TV but would say in Spanish, one clinic protestor recalled, “Amiga, if you have an unwanted pregnancy, we can help you. No appointment necessary. We offer help 24 hours a day.”

In 2004, Lucía de Flores, who ran a pregnancy-counseling center in Tijuana, Centro de Ayuda para la Mujer, saw this commercial and complained to Channel 21. The station said that the clinic had misled Channel 21 by claiming it did not offer abortions. It was a policy of TV stations to refuse ads for abortion services, said an advertising executive at another Tijuana station, XEWT-TV. The Channel 21 executive told Flores that “once the contract with the abortion clinic expires, it will not be renewed.”

On its website, Operation Rescue notes that Bugarin would pay homeless or poor people \$25 a day to hand out discount coupons for the clinic’s services. In some of the clinic’s pink flyers, shown to me by Luis Mendoza, Bugarin offered “10% off” for family planning methods such as IUD insertion, but only “with this flyer.” An ad in the Spanish Yellow Pages said the clinic would do abortions “up to 24 weeks or more.”

Braemer’s Botched Abortions

The terms of Braemer’s probation required that he only perform abortions at an accredited hospital or at a place approved by the medical board or its designees. When asked if the division or its designees had allowed Braemer to continue performing abortions at Clinica Medica para la Mujer de Hoy, the board said that the file with that information had been purged in 2005.

To ensure patient safety, the California Health and Safety Code requires that an outpatient setting be accredited if anesthesia is used “in doses that, when administered have the probability of placing the patient at risk for loss of the patient’s life-preserving protective reflexes.” Although private-sector agencies, such as the Joint Commission, accredit medical facilities, the Health and Safety Code spells out the criteria facilities must meet to be accredited. Among the criteria, an outpatient setting must “have a written transfer agreement with a local accredited or licensed acute care hospital” and it must “permit surgery only by a licensee who has admitting privileges at a local accredited or licensed acute care hospital.” The patient might need an emergency transfer.

By late 1996, Bugarin had opened a clinic in Panorama City, where Braemer continued to do abortions. The clinic had no transfer agreement with a local hospital, and Braemer had no admitting privileges. Nor was the Panorama City clinic accredited.

Enter a woman who, in December 1996, went to the Panorama City clinic to abort a fetus in the second trimester, approximately 19 weeks old. For this procedure, she would have to pay the higher fee, \$500.

In the first trimester of pregnancy, up to 12 weeks, and early in the second trimester, the procedure used to abort a fetus is called vacuum aspiration: a handheld syringe or electric machine, attached to a tube inserted through the cervix, suctions the fetus from the uterus. Sometimes a curette is employed to remove tissue lining the uterus; then the procedure is called dilation and curettage (D&C). After about 16 weeks of pregnancy, the procedure is called dilation and evacuation (D&E): a tube is inserted through the cervix and a suction curette is used to remove tissue; forceps may be employed to pull the fetus out. Intact dilation and extraction, which according to some sources is

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cerebral material until the skull collapses and the head can be pulled out. Sometimes called partial-birth abortion, this procedure was banned in most circumstances in 2003. But in 1996, it was legal. The *San Diego Union-Tribune* stated in 2000 that Braemer was “one of few doctors in the state who provide abortions up to the 26th week of pregnancy.”

Nolan Jones: judge will rule on revoking his license in late March



At the Panorama City clinic, the woman in her second term was seen by physician's assistant Steve Turnipseed, who, to prepare her for the abortion, placed a laminaria in her cervix. She returned the next day. While under general anesthesia, the woman was seen by Braemer, who performed a dilation and extraction. According to medical board records, Braemer "grabbed the fetus and removed it through the cervix; however, the cranium and placenta were left in the uterine cavity."

Next, Braemer used a "clamp to remove the cranium [but] he pulled out omentum [a membrane that encloses the bowels], and he could feel something like a small bowel with his fingers." In short, Braemer had punctured the woman's uterus and seriously damaged her bowels. Braemer stopped the procedure, but later, after a period of recovery, he went back in and removed the head.

The next day, physician's assistant Turnipseed saw the woman and, unable to treat her complications, sent her to South Bay Hospital in Redondo Beach. According to state records, the woman was "under the care of [Dr. Mohamed] Dia at that time."

The woman returned to Braemer one last time for treatment, but since he had no admitting privileges at any hospitals, he sent her on her own to Torrance Memorial. There, hospitalized for over a month, she needed multiple surgeries — three laparotomies, a bowel resection, and drainage of multiple abscesses — to repair the damage.

It took the medical board two and a half years to charge Braemer with gross negligence, accusing him in June 1999 of failing to dilate the cervix sufficiently, failing to end the procedure when he ran into trouble, and performing the procedure in an unaccredited facility. Braemer was cited for his lack of a written agreement with a nearby hospital. "He should not have performed the dilation and extraction...because he cannot adequately care for a patient if there are complications." (The woman brought a lawsuit against Braemer, and he settled with her out of court.)

In February 1998, a woman who had cancer and was six weeks pregnant saw Braemer at the Huntington Park clinic. He dilated her cervix and used a "#5 suction curette." The clinic's medical records indicate that on a follow-up visit, ultrasound and pregnancy tests showed that the woman was no longer pregnant. Two months later, after another physician's exam, the woman discovered she was still pregnant. A second abortion (not done by Braemer) removed the 15-week-old fetus. (The woman sued Braemer for emotional distress and, like other female litigants, settled with him out of court.) In a November 1999 supplemental accusation, the medical board accused Braemer of gross negligence. The accusation said that Braemer had failed to dilate the cervix sufficiently, that the #5 curette was too small, and that either "the records were falsified or the [ultrasound and pregnancy] tests were done improperly."

Two months earlier, in September 1999, the medical board had finally sent someone out to Bugarin's clinics. That month, undercover female investigators went into four clinics in the Los Angeles area and found that no doctor was present and unlicensed staff were performing pregnancy tests and ultrasounds and interpreting the results to patients. In one case, an undercover woman was given an ultrasound and told she was pregnant and that she could receive an abortion that day. The staff person did not call out for a doctor. It is unlawful for unlicensed assistants to perform ultrasounds or interpret them to patients. Investigators interviewed Braemer on-site, and the board accused him of helping "his medical assistants in practicing medicine without a license."

As a result of these investigations and violations of his probation, on May 30, 2000, Braemer 60

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Braemer's botched abortions in December 1996 and February 1998 were violations of his probation. And yet, until the September 1999 undercover action, apparently no investigation of the clinics occurred. And even after that, Braemer was allowed to continue practicing medicine for almost another year.



When asked about the medical board's procedure for monitoring doctors on probation, information officer Candis Cohen quotes, in an email, the board's chief of enforcement: "The majority of our probationers are visited in their offices by their probation monitors, both randomly and by appointment, to talk with the probationers and review the problems that lead to the probation." Records of these visits are kept, but Cohen notes, they "are not [made] public unless the probationer violates his/her probation and that results in the filing of an Accusation and Petition to Revoke Probation. That document would cite what the violation(s) were."

In its petition to revoke Braemer's probation, the medical board stated that he had "failed to obey all laws and rules governing the practice of medicine." Not only had he performed shoddy abortions, he had also aided and abetted others in the unlicensed practice of medicine. Since Braemer's probationary files have been purged, there is no way to know whether he was visited by his probation monitor or what exactly the restrictions were on where he could practice medicine.

In June 2000, the *San Diego Union-Tribune* reported that "Braemer said his clinics will remain open, with another doctor as owner, but will not provide late abortions." When Braemer surrendered his license, his clinics' fictitious name permits were revoked. For the clinics to stay open, another doctor would have to apply for a permit.

On August 17, 2000, some two weeks after Braemer surrendered his medical license, Dr. Lawrence Reich filed a fictitious business name statement with the County of San Diego, listing one address and two names. The address was 335 H Street, Chula Vista, and the dual names were Clinica Medica para la Mujer de Hoy and Community Women's Medical Clinic, another of the fictitious names Braemer had used.

That Reich and Bugarin made a good business team is borne out by a Dun and Bradstreet report. As of November 1, 2006, Community Women's Medical Clinic and its seven employees in Panorama City had annual sales of \$500,000.

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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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.

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.

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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.

Finally, physician's assistant Steve Turnipseed worked at Bugarin's North Hollywood and Panorama City clinics in 1999 and 2000. He was disciplined by the medical board in 2004 for performing abortions on two women "without the personal presence of a licensed physician and surgeon." He was also cited for using on one woman only local anesthesia during a second-trimester abortion: "neither intravenous sedation nor general anesthesia was used." Turnipseed was placed on probation for three years and completed his probation in 2007. However, last fall he was again disciplined by the board for a 2001 procedure in which, while working at another clinic in North Hollywood, he prescribed the wrong medication for a two-year-old child with flu symptoms. The child had to be hospitalized for "bismuth toxicity" and "metabolic acidosis." Effective December 19, Turnipseed was placed on two years' probation.

Lawrence Reich and Phillip Rand

Dr. Reich's story is one of the most scandalous in Southern California medical history. Reich was a licensed osteopath, a physician who manipulates the body's musculoskeletal system (bones, muscles, and joints) as a form of treatment. Osteopaths attend osteopathic medical schools.

Soon after Reich received his license in 1979, he began fondling patients and asking them inappropriate questions about their sex lives. In 1982, the osteopathic medical board accused him of sexually abusing four patients and gross negligence and incompetence in respect to two pregnant patients. Later that year, the board ordered Reich to undergo psychiatric evaluation and suspended his license for 180 days, then put him on ten years' probation, requiring a third person be in the room when he was examining women.

In 1999 and 2000, two women said that Reich fondled their genitals, then gave the women his home phone number; one incident occurred at the Family Planning Medical Center in Santa Ana, another of Bugarin's clinics. Two years later he pleaded no contest in criminal court to one count of sexual exploitation by a physician, a misdemeanor, and was put on one year's probation.

But it wasn't until 2004 that the osteopathic medical board accused Reich of sexual misconduct in the case. A year later, in response to dozens of complaints to her office, Senator Barbara Boxer entered the fray. She called on the board to suspend his license. "I understand," she wrote, "that an Administrative Law Judge will hold a hearing in February 2006 regarding the June 2000 complaints... nearly six years after the original complaints that triggered this latest process." Boxer's demand went nowhere: a spokesman said that though the case was slow, Reich was entitled to due process.

On April 14, 2006, Reich did surrender his license, or as the osteopathic board stated, a "stipulated surrender of [his] license was ordered." However, Reich continued to perform abortions in Bugarin's clinics, allegedly at the Panorama City site. He was arrested in February 2008, still doing abortions *two years after surrendering his license*. He was charged with three felony counts of practicing medicine without certification.

Last September, Reich pleaded no contest to one felony count of practicing medicine without certification. A Los Angeles Superior Court judge sentenced him to three years in state prison but

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A former Bugarin employee filed complaints in 2006 against Bugarin and Lawrence Reich for unlicensed practice of medicine. In a phone interview with a woman's rights activist, the former employee identified herself as a medical assistant at Clinica Medica para la Mujer de Hoy in Panorama City from October to December of that year. She said that she saw Bugarin perform "four or five abortions," and that Bugarin "didn't keep any records when she did abortions." The



former employee said that there were no licensed doctors or nurses in the facility at the time Bugarin did the procedures. Bugarin called herself "Doctor Bertha."

The employee added that she saw Dr. Lawrence Reich, who had surrendered his license in April 2006, continue to come "in to do abortions with Bertha." The former employee noted that Bugarin "preferred" cash. Patients paid the receptionist, who in turn gave the money to "Saul," who gave it to Bugarin "at the end of the day."

It was the employee's "job to dispose of the aborted fetuses." Bugarin said that the employee should "put them in the sink and run the garbage disposal because Bertha did not want to pay for a lab to do pathology or to properly dispose of the aborted remains."

Dr. Phillip Rand had been a San Diego doctor for at least four decades. In 1989 there were large protests against his abortion office in the Midway district; eight antiabortion defendants were eventually convicted of trespass and fined. Rand became another of Bugarin's doctors. Before he surrendered his license in 2005, when he was in his mid-80s, there were more than 40 personal injury and malpractice lawsuits filed against him by women he treated. Greg Anthony, an attorney who litigated against him, said that "Rand has had a lot of evil around him. The guy has a career of malfeasance," reported Operation Rescue.

In 1978, Southeast San Diego resident Pamela Battle was eight months pregnant and heavily bleeding. She called Rand, her obstetrician, for help, but he told her to go back to sleep. The bleeding didn't stop so she rushed to Sharp Hospital. Doctors wanted to do a Cesarean section. But when Rand arrived, he argued against the procedure. Because of the delay, the baby, Terry, suffered severe oxygen deprivation during the birth, leaving him severely handicapped for life. Terry Battle never developed beyond the mental level of a one-year-old; as a teen, he weighed 100 pounds and was still in diapers.

In San Diego Superior Court, Battle's attorneys won a \$31 million judgment, payable over ten years or, as an alternative, in an immediate single payout of \$4 million. But Rand had let his malpractice insurance lapse, and after the verdict, he declared bankruptcy. In the end, the Battle family received nothing. According to a November 30, 1991 story in the *Union-Tribune*, the Battles lived in "a one-bedroom Chollas View home." Meanwhile, Rand lived in a downtown San Diego high-rise.

Rand had many problems with abortions. In 1988, his failure to completely remove a fetus resulted in a uterine infection that, in turn, required the woman to undergo a hysterectomy. In 1990, a woman delivered a dead fetus in her home after Rand said he had performed an abortion, and that year he also perforated the uterus of another woman during an abortion.

In August 2004, Rand performed an abortion at 20 weeks on a woman named Angela without giving her adequate anesthesia. Using suction, he quickly finished the procedure. He drove away but was called within the hour: the woman was bleeding profusely. He told the staff at Bugarin's Santa Ana clinic to call 911. The attending paramedic stated in a signed declaration that when he arrived he found Angela bleeding in the clinic's "recovery room," a mattress on the floor. A medical board-appointed doctor who helped investigate the case called Rand's action "barbaric." In the end, Angela did recover.

Rand was charged with gross negligence, incompetence, dishonest acts, and prescribing a controlled substance to another patient, a drug addict. The deputy attorney general who sought the suspension of Rand's license said, "He continues to place unsuspecting females at risk

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"immediately," concerned that "serious injury will result to the public" before the hearing could be held. At the hearing the following April, Rand was ordered to surrender his license.

George D. Flanigan III and Nolan C. Jones



From 2002 to 2006, Dr. George Dalton Flanigan III worked as an independent contractor at Reich and Bugarin's clinics — three in Los Angeles, one in Santa Ana, and one in Chula Vista. In February 2006, about the time that the osteopathic board ordered Reich to surrender his license in April, Bugarin approached Flanigan to buy the clinics. Bugarin said she was "tired of the medical clinic business," according to a civil suit filed by Flanigan on December 15, 2006. In April, Flanigan agreed to purchase the five clinics with their medical equipment for \$145,000. The money was to be paid in two installments: \$72,500 due at the signing and the second chunk due a year later. Flanigan, who had to borrow the money, also agreed to pay an extra \$5000 for an ultrasound machine.

The agreements were signed, checks for \$72,500 and \$5000 were tendered, and Flanigan took over. He operated the clinics under the name Women's Today's Medical Group, according to his lawsuit. He applied for a fictitious business name statement and a fictitious name permit for the clinics. He began paying the overhead costs, monthly rents, salaries of the employees, utility bills, and vendors.

In August, Bugarin apparently changed her mind: she didn't want to wait until April 2007 for the second payment of \$72,500, but, instead, wanted Flanigan to pony up \$10,000 a month. When he refused, Bugarin began harassing him, according to the suit.

At the Panorama City clinic, she threatened Flanigan and the staff, demanding "good faith money." She said she would "take all of the business away" from him. She refused to provide Flanigan with "the master lease agreements for each of the clinics." She told the staff that she was going to replace Flanigan with other doctors. She told the staffs to "discontinue scheduling [his] appointments."

On or about November 3, 2006, Bugarin entered the Chula Vista clinic and "took [Flanigan's] medical license off the wall," telling the employees they should resign immediately. She "took similar action" at the Santa Ana clinic.

In December, Flanigan filed a "contractual fraud" suit against Bugarin; almost two years later, he won a judgment of \$59,632. This was not the end of it, though. To buy the clinics, Flanigan secured a loan for \$77,000 from Leaf Funding. In August 2008, Leaf sued Flanigan for its money. To date, Flanigan has not collected from Bugarin nor has Leaf collected from Flanigan.

Meanwhile, Flanigan had malpractice troubles of his own. In 2005, he had a criminal conviction for Medi-Cal fraud. Two years later, he was given five years' probation for gross negligence and incompetence in the death of an 11-pound, 5-ounce baby due to his botched delivery in 2002.

Nolan C. Jones's medical malpractice problems began in 1996 when he was charged with causing the death of a baby, Aldo Carrillo, on October 3, 1996. Jones ruptured the membranes of Aldo's mother, Blanca C., and then left the hospital for three hours despite calls from nurses reporting fetal distress.

Medical board records show several other accusations against Jones for gross negligence, repeated negligence, and incompetence. At San Bernardino Community Hospital, Jones performed "D&Cs without doing pap smears in his care of four young women," one of whom had "persistent vaginal bleeding." For this he was put on four years' probation in 1999 and his staff privileges were terminated at the hospital. In 2000, he was cited for failing to comply with his probation terms: his monitor's reports were not filed; he had no properly certified X-ray operator at his clinic; he lied on his quarterly reports. He received three more years' probation.

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some 36 credit cards, many of them with sizable balances, totaling over \$150,000. In addition there were several unpaid judgments adding up to \$147,000; a debt to an ad agency of \$52,500; a phone directory debt of \$20,000; attorneys' fees from a lawsuit of \$48,000; and a big chunk, \$267,500, owed the U.S. Treasury. Other liens, judgments, loans, legal fees, and unpaid fees brought the grand total just shy of \$900,000.



In 2008, the medical board accused Jones of reporting that he'd performed examinations that he did not perform. The clinic billed for the exams. Medical board records state that Jones's license expired on October 31, 2008, and it has not been renewed. In late January, the Office of Administrative Hearings conducted a three-day hearing on a petition to revoke his license. Jones did not appear, but his lawyer did, challenging the petition before an administrative law judge. The judge will rule on Jones's revocation in late March. A receptionist at Jones's Alliance Women's Medical Group in Los Angeles said that Dr. Jones was out of the country for two months.

The Clinic Watchers

Bugarin began operating the Chula Vista clinic in 1999. For many years since, antiabortion activists and members of prayer groups have, on Wednesday mornings or Friday afternoons, held protests and prayer vigils in front of the clinic. Members counsel women about the clinic's string of disciplined doctors and hand out brochures from the medical board that document problems the clinic's doctors have had. The groups have permission from the Mexican restaurant next door to patrol the sidewalk. At least one member speaks Spanish to Latinas. In hopes of exposing the unsafe procedures, they have been keeping tabs on which doctors and which staff enter and leave the building for two decades.

One watcher, Luis Mendoza, got involved with antiabortion activities after he and his wife, who couldn't have children, adopted a boy, Martin, in late 1999. Tragically, Martin had liver cancer. At nine months, the baby was given a transplanted liver, but he rejected the organ when he was four. He died in 2004. To commemorate what would have been the boy's fifth birthday, Mendoza joined a Catholic prayer group, Missionaries of the Gospel of Life, who protested in front of Bugarin's Chula Vista office.

On days he would pray outside the clinic, Mendoza often saw doctors pull up and enter the clinic for a few hours, then leave. He told me last summer that in the four years he's been observing, he's seen some eight doctors come and go. On a few occasions, Mendoza witnessed Bugarin operating the clinic when no doctor was present. "I didn't call the police," he told me, "because it didn't occur to me that she'd be doing" abortions herself. "I didn't want to believe that she'd be doing that."

In a letter, Mendoza alerted the medical board that he was worried when he saw the clinic in operation with no doctors showing up. "I only sent one letter to that effect," he said.

He recalled the first time he saw Bugarin. "There was a man from Calvary Chapel praying on the sidewalk. Phil Magnan. I saw her coming with another man. She had a lab coat like a doctor. I was giving out articles from *News Notes* about the doctor who had lost his license," Phillip Rand. Mendoza described Bugarin as "very aggressive and complaining." He said one time she was civil with him, saying that she "didn't want to do abortions anymore." Instead, she wanted to change the business to a weight-loss clinic. He asked about her doctors. "She said, 'My doctors all have licenses.' But she would brush things off."

As for the clinic's clientele, Mendoza said that most were "in their 20s, and 95 percent of them were Hispanic." He believes they came to Bugarin because the wait was short, shorter than at Planned Parenthood or other places. The procedure was not necessarily cheaper, though it was a cash transaction. Most women, in Mendoza's counseling, confessed that they were getting an abortion for financial reasons. "They couldn't afford it; they're single. So we'd approach them with information about adoption." Mendoza would tell them his story, too. Some went to an agency that

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woman who was engaged to one man but was pregnant by another, she came to the clinic, but the abortion was botched and she ended up in a hospital.

This woman returned to get her money back from the clinic. And later Mendoza spoke to her. "She came back with her mother. She was getting married, in her early 20s. Her mother told us that she got on the phone with Bugarin. 'This woman is ruthless,' she said. She used that word over and



over." Bugarin wouldn't give her money back. So Mendoza told her to call the police. "She did, and the police intervened. The clinic gave her \$100, only part of her money."

Mendoza said that the pro-life movement remains strong. Lots of groups continue to protest at clinics. Technology that shows fetuses in the womb is convincing people these days, he says, that "it's a human being." He notes that ten years ago there were 2000 of these "freestanding clinics around the country. Now there are only 700. A lot of them have closed. Places like this" — he pointed to the closed-up Chula Vista clinic — "with substandard work and noncredentialed doctors."

That was last summer. Now, in February, A Woman's Choice Family Planning Clinic is open for business. In a phone call on February 16, a clinic employee said that A Woman's Choice will offer a full range of family-planning counseling. Dr. Andrew Rutland, whose name is on the fictitious name permit and the fictitious business name statement, had his medical license reinstated in 2007 on the condition he serve a five-year probation. Rutland's life has been one of extremes. He graduated with honors from Howard University College of Medicine and is a retired lieutenant colonel in the Air Force. He has also, in the past 15 years, been a defendant in more than 20 malpractice lawsuits, of which three resulted in Rutland's paying money to plaintiffs.

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PracticingLiberator

Great work on this article. I know (maybe not how hard, but..) I know how hard Luis Mendoza and his wife have worked on this project, the dedication and their prayers did produce some results. The biggest question is to the so-called regulatory arm of the Medical Board in CA. How squeeky does a wheel have to be for you all to listen, and then act? The idea that it took years, and more lives than any of us will ever know, before this person, Bertha, and her co-horts to be stopped, it boggles the mind. I am especially appreciative of the description of how an actual killing is done, how an abortion is performed. I will never look at another child in the same way, again. I will look at them as they are completely whole, and thank God, and their parents, for preserving them whole, and as beautiful as they are.

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Feb. 20, 2009

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heather_m

This article disgusted me. What a waste of paper and ink. The writing and story-telling are mechanical and filled with statements that are meant to shock, not inform. The article seems to end with the one-sided tone that "oh, ain't it great: people are still protesting family-planning clinics. The world can be saved, after all". It describes horrible side effects of these illegal procedures, but doesn't seem to *actually* give a damn about the health/safety of these unfortunate women. Yes, doctors who perform "medicine" illegally are not doing the right thing. Yes, abortion is a very weighty and difficult issue. Do

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give us? Oh, that's right- nothing. Absolutely nothing except a disgusting feeling that i couldn't shake after putting this paper down. Way to print a

wholly uninteresting and disgusting (and seemingly biased) article. You should have nixed this and expanded on the vermiculture article instead, which only got a measly couple of pages. Now *that* was informative! It made me interested in the world again, not saddened by it. Shock journalism needs to



go. The Reader is seriously slip-sliding away.

Feb. 21, 2009

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reddragonfly

If this article upsets you and you are annoyed at "The Reader" for publishing this article and are criticizing the writer's style of reporting I would like to say - Don't shoot the messenger. It reads like a police blotter and it should since the people involved were breaking laws. I repeat - they were breaking laws. Whether you are pro-choice or pro-life, I would think that having the names of these doctors would be valuable so that you might not want to use them if they were to be practicing in another area of medicine or back at abortion clinics. "The Reader" may not have been able to help these women but at least they cared enough to tell their story unlike the doctors who exploited them and, because the women were minorities and low-income, they weren't worth being treated humanely. By "The Reader" outing these doctors, they may be saving some women today. As for bias...if the doctors and clinic employees have been sanctioned by the state board and the courts, I'm not sure what other spin you'd want to see to make their actions be acceptable. I suggest this article be read without politics; only with humanity. I regret my abortion.

Feb. 21, 2009

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Princess

I really appreciate Mr. Larson writing this article. It shed light on a topic, at least for me, I was not aware of. It is disgusting what these so-called doctors have been able to get away with. It doesn't seem like there are appropriate procedures put in place to make sure such people are not practicing medicine and violating the law. It's extremely disheartening and makes me wonder what else such people are able to get away with.

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Feb. 23, 2009

MsGrant

The real crime is why women have to resort to this barbaric procedure performed by unlicensed monsters who are doing them for financial gain. Women should have access to a full range of reproductive health options, including, yes, a safe, legal abortion.

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Feb. 25, 2009

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