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Former abortion doctor defends his actions

BY LAURA BAUER

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Krishna Rajanna would like to make a few things clear.

The former abortion doctor, whose license was revoked seven years ago, didn't carelessly trash more than 1,000 abortion records. He put them in a recycling bin.

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He wasn't jeopardizing the privacy of women who had visited his now-defunct abortion clinic in Kansas City, Kan. Rather, he said, he was protecting the environment by not burning the paper records of the
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And, he said, he's not the monster that abortion opponents have made him out to be in years of criticism and ridicule.

"It's always a witch hunt," said Rajanna, 74. "They always try to make something out of nothing and I believe that's what's happening now. Don't you see what they do all of the time to any of the clinics? They will always be looking for something to say, don't you think? Don't you see?"

The Star on Tuesday reported about the discovery of the records, mostly from 2001 and 2002, in a recycling bin outside an Overland Park elementary school. The records included patients' names, addresses, phone and Social Security numbers and health histories, along with details of their pregnancies.

The story included Rajanna's admission in an interview that he had left the records in the bin.

The news angered people on both sides of the abortion debate. Disrespectful and disgraceful, abortion opponents said. Appalling, abortion-rights proponents said.

"Not only is this clearly not standard practice, it violates patient confidentiality, which any provider should be protecting," said Vicki Saporta, president of the National Abortion Federation in Washington, D.C. "... The patients would be wondering where these records might show up."

Some state legislators and abortion opponents say there's a crucial need for stronger legislation to prevent such a document dump from happening again.

In the end, Rajanna may not face criminal charges for the way he discarded the records from Affordable Medical and Surgical Services in Kansas City, Kan. And the state board that regulates and licenses physicians says it has no control over doctors whose licenses have been revoked.

"All of our laws refer to people who are licensed," said Kelli Stevens, general counsel for the Kansas Board of Healing Arts. "Once a doctor is revoked we don't have enforcement authority."

Johnson County District Attorney Steve Howe said his office doesn't think at this point that Rajanna violated any criminal laws when he disposed of the records in the bin.

Howe said his office would continue to investigate whether any state or federal consumer protection laws were violated. Other state agencies are looking at the case, he said.

"Frankly, this is the first time I've seen medical records treated this way, to that degree," Howe said Wednesday. "This is new territory for a lot of people. Clearly, everyone is offended by the mistreatments of the documents and privacy rights. But there's that next level of trying to figure out if someone violated the law by their conduct."

Controversy has trailed the former abortion provider. Between 2000 and 2005, Rajanna was either fined or disciplined four times by the Kansas Board of Healing Arts, which ultimately revoked his license.

Inspectors who visited his clinic in 2005 reported it was unclean, with a dead mouse in a hallway. Syringes of medication were being kept in an unlocked refrigerator.

Rajanna appealed his revocation, but it was upheld.

Today, he says, he's going through more of the same. All for doing what he thought was the right thing.

"We all have become more conscious of recycling," he said. "Now more and more people are involved, isn't that the truth? I'm not making it up.

"You know, you put it into the recycling bin, which is a big bin, you don't expect people to go into it and take things."

• • •

For years, he'd heard the allegations. Filthy conditions at his clinic. Clutter and disorganization.

All untrue, he said back in 2005. He reiterates that today.

"All the things that were said would have been false," Rajanna said. "But what can you say about false things said?"

Yet a detective who visited the clinic investigating a theft allegation testified before a legislative committee that it was so dirty he "was reluctant to sit down." Detective William Howard spoke to the committee in 2005 when legislators discussed tightening regulations on abortion clinics.

He described to committee members the clinic break room, where roaches crawled across the countertops and a "stench" lingered. His partner said the room where procedures were done had dried blood on the floor, he testified.

Rajanna became known for offering abortions at a lower cost than other clinics.

"We didn't have a palace to provide when we provided the services," Rajanna said. "But we provided them in a discreet way and at a cost everybody can afford. We were providing them the best in many different ways."

Peter Brownlie, chief executive officer of Planned Parenthood of Kansas and Mid-Missouri, said Rajanna was not representative of physicians who provide abortion services. On occasion, Planned Parenthood would see women who had gone to Rajanna's facility and had a negative experience, Brownlie said.

Consistent complaints, he said, were the clinic's disorganization and lack of cleanliness.

"Women who are seeking abortion services deserve to be treated with respect at a facility that is medically appropriate," Brownlie said. "Women should be able to expect the same care and treatment for abortion care as they would for any medical care, and they didn't get that at Doctor Rajanna's."

Jeff Pederson, manager of the Aid for Women abortion clinic in Kansas City, Kan., said that when the Board of Healing Arts revoked Rajanna's license, he had a mixed reaction.

"There was relief that a bad situation had gone away," Pederson said. "But horror that all of us would be painted with the same brushstroke."

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Rajanna said he's learned his lesson.

When it comes to destroying the records he still holds, he will think of a new method.

"I don't know, I am going to reconsider all options and do the right thing," he said. "I'm going to take all of the steps to do it better and steps necessary to see that this thing won't happen again. No. 1, we probably wouldn't use these recycle bins. They are not reliable."

Kansas law requires that medical records be kept at least 10 years. But state regulations do not specify how someone should dispose of them.

If a licensed physician improperly disposes of records, the state medical board can impose punishment. But the board doesn't have authority over someone who isn't licensed.

"Maybe nobody thought of what to do with doctors whose licenses were revoked — now here you go," said Troy Newman of Operation Rescue, a national anti-abortion group based in Wichita. "Regulations should be written."

If doctors or former doctors don't know how to store or dispose of medical records, they can always ask, said Kathleen Selzler Lippert, executive director of the Kansas Board of Healing Arts.

"There are duties and obligations you have if you obtain licensure," she said. "That does not change if the status of licensure changes. Regardless of your status of licensure, we don't call them and remind them to brush their teeth in the morning."

The state board is investigating the situation and could get a court order to obtain custody of the records Rajanna still has.

Republican state Sen. Julia Lynn of Olathe said Rajanna's disposal of records should be addressed in the

Legislature, possibly as early as next month's veto session.

It's an issue, she said, of the safety and privacy of women.

"Obviously if a physician can dispose of records in such a reckless way, we have a problem."

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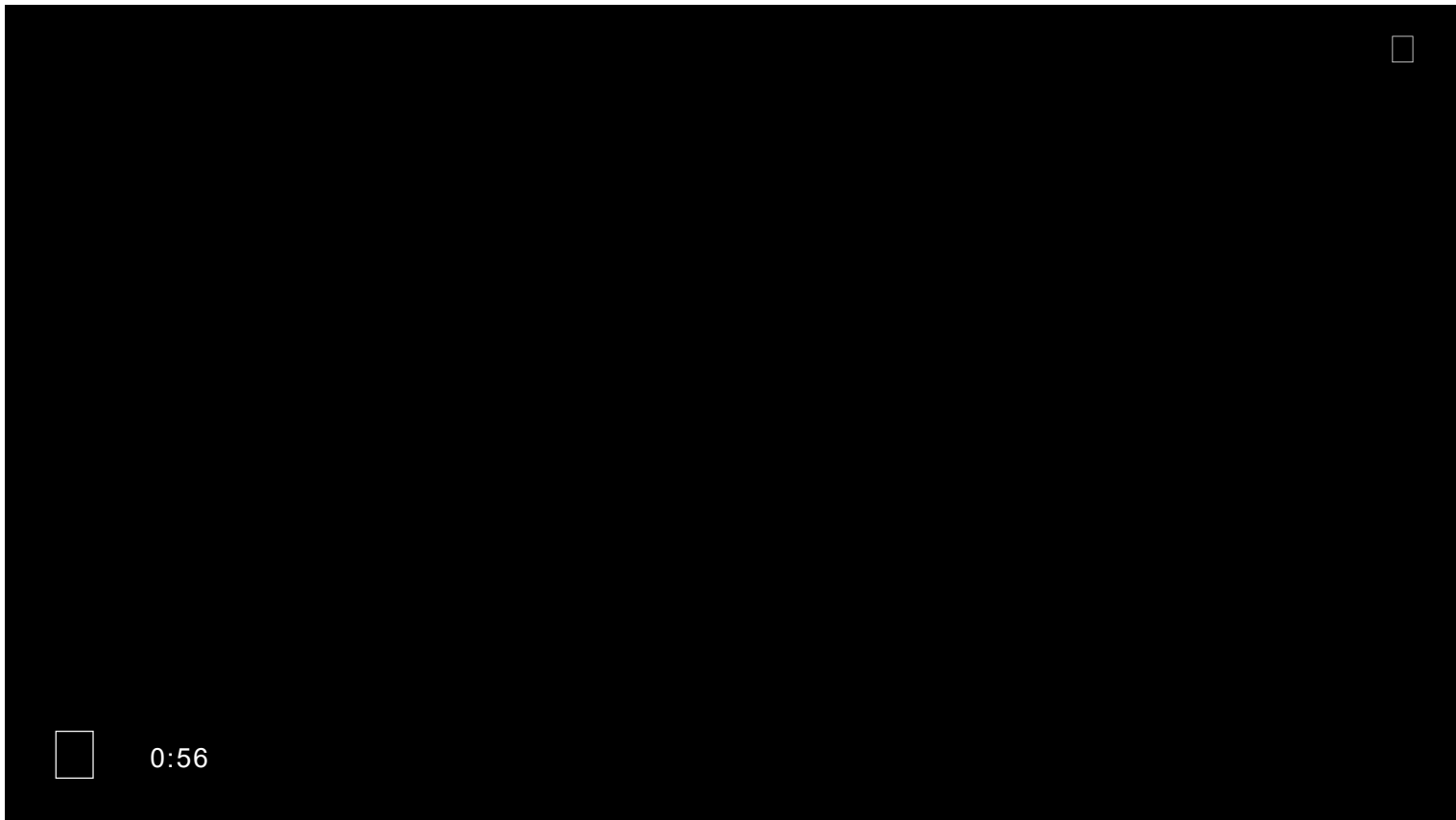
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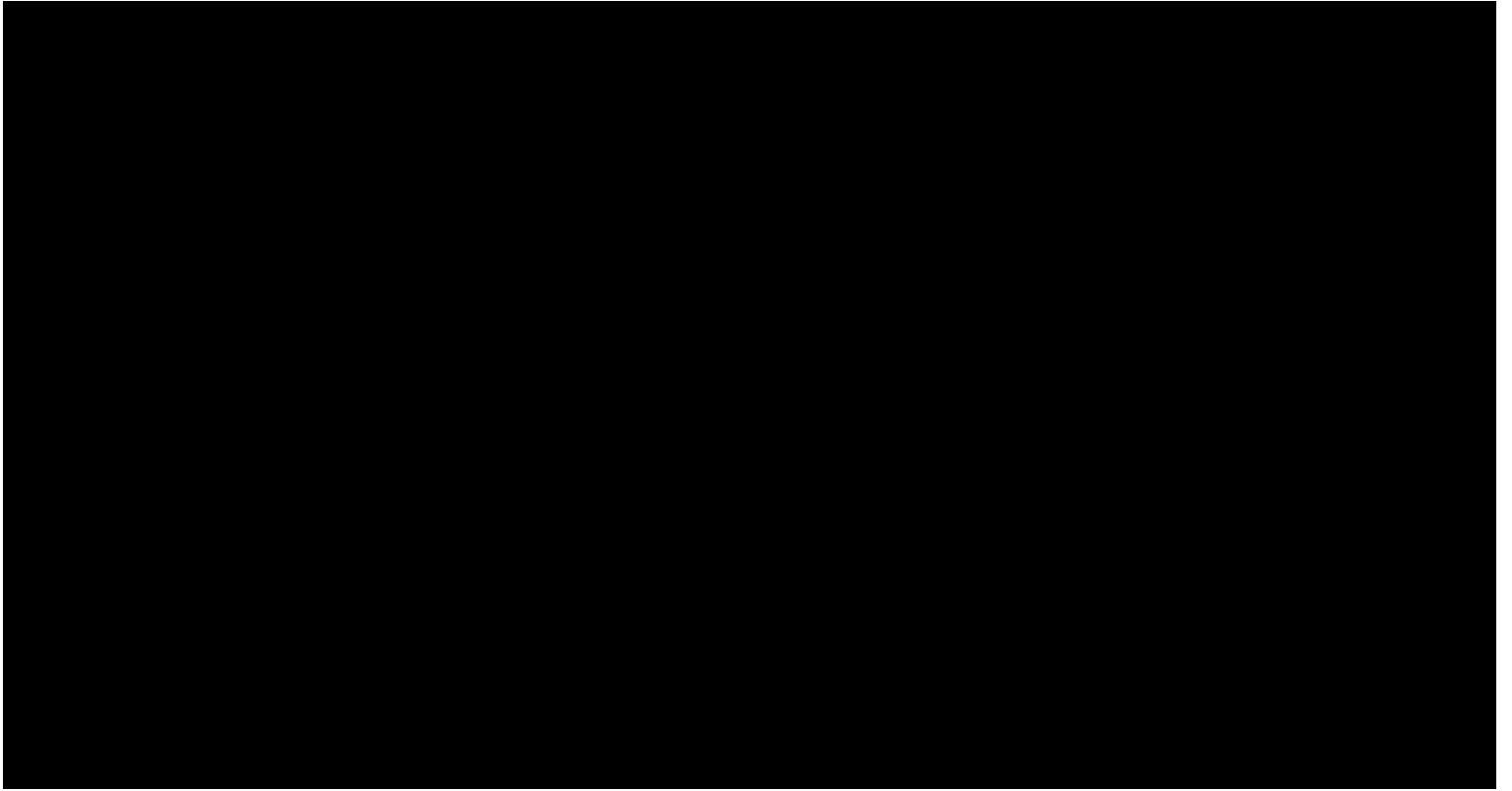
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Kansas City police investigated three shootings in one hour Monday, the same day a double shooting left a man dead and a woman injured near Interstate 435 and 63rd Street and a man was found shot on Walrond Avenue. The weekend saw a string of shootings also in Olathe in Lawrence.

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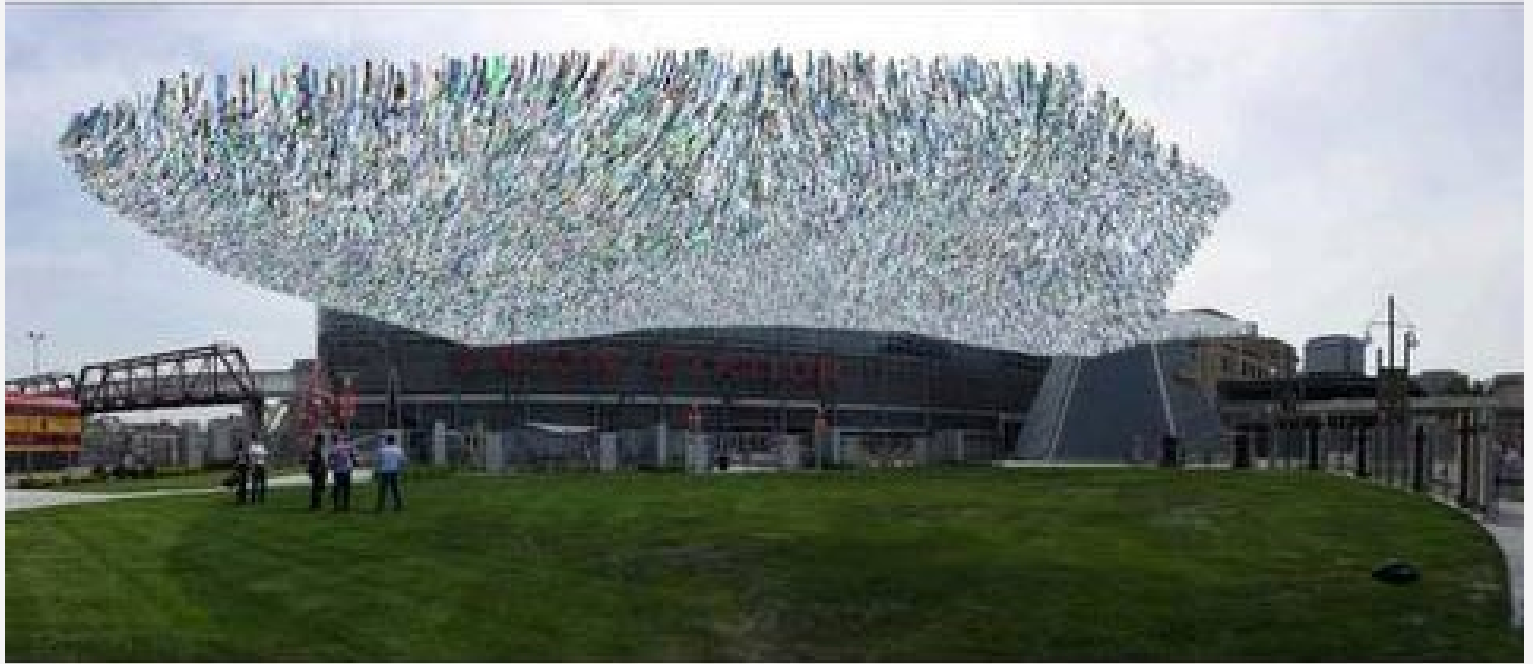
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