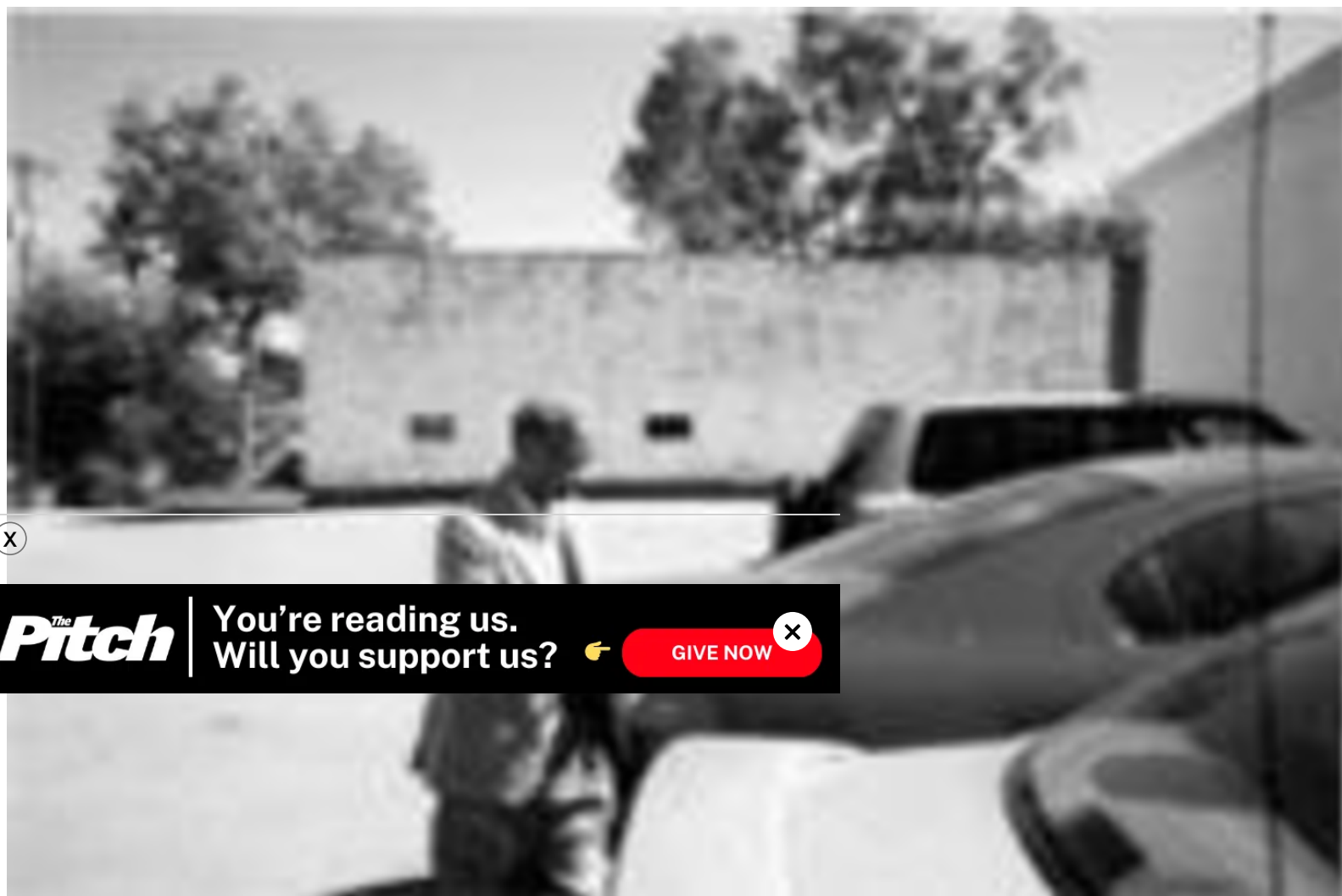




Mm, Mm Good

June 16, 2005 by Allie Johnson (<https://www.thepitchkc.com/author/allie-johnson/>).



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Kansas Attorney General Phill Kline has received national attention for his high-profile fight against abortion. He's vigorously defended his attempt to wrest control of the medical records of women who had abortions at two Kansas clinics. His unprecedented subpoena for the records has made him far more visible than any Kansas attorney general in recent memory.

But last year, Kline made an even more startling attack on abortion that received little attention in Kansas City.

The Wichita Eagle was apparently the only newspaper that reported Kline's April 29, 2004, offensive, which then became fodder for Web sites, some of which reveled in the bizarre nature of Kline's accusations.

Kline, speaking to Kansas legislators who were considering how best to regulate abortion providers, told his audience about a filthy Kansas City, Kansas, clinic, which he said should convince lawmakers that more regulation was needed. Kline presented photographs depicting a cluttered, unsanitary medical office. And he also provided a police officer's affidavit, which made a stunning claim: that workers at the clinic believed its proprietor, a physician named Krishna Rajanna, had kept aborted fetuses in Styrofoam cups in a freezer and later heated them up and stirred them into his lunch.

The *Eagle's* story carried a denial from Rajanna, whose license has since been revoked. His clinic has closed. But for the past year, Rajanna's dirty abortion clinic has been at the center of a legislative battle — used, curiously enough, by both sides in the fight over whether to increase regulation of clinics or keep oversight at its present level.

Rajanna's clinic has repeatedly come up in news stories about the regulation fight in the past year. But since Kline's public accusation in the Legislature, the shocking notion that Rajanna's workers accused him of eating fetuses has been dropped from news coverage.

Even Kline hasn't made any more of it, despite what appears to be its great potential as a boon to abortion opponents.

It was a report of a theft that brought Kansas City, Kansas, Police Department detectives William Howard Jr. and Steven Mansaw to a clinic called Affordable Medical & Surgical at 1030 Central Avenue in September 2003.

The clinic's physician, Rajanna, claimed that \$1,000 had been stolen from the clinic's office.

Howard says he was shocked by the conditions that he and Mansaw found. There were dirty dishes in the sink and on a tabletop. Trash was strewn around. Roaches crawled across countertops.

"There was an unfamiliar type stench in the room. Frankly, I was reluctant to sit down," he wrote in a notarized affidavit.

Howard masked his disgust and stuck to the business at hand — the alleged theft. Rajanna told him that he suspected one or more employees had taken the money from a sack he kept in the unlocked back office.

Howard tells the *Pitch* that the doctor's financial records were in such disarray that he and Mansaw weren't able to verify that a theft had occurred. But while they were interviewing clinic employees about the missing money, one young clinic staff member, Julia Walton Garcia, made a chilling allegation: Rajanna, she told Howard, had eaten fetuses.

Howard states in his affidavit that Garcia said Rajanna kept aborted fetuses in Styrofoam containers in the freezer in his office. "Julia went on to describe how she and the other girls actually witnessed Rajanna microwave one of the aborted fetuses and stir it into his lunch. Julia claimed that she shared this with some of the other employees, who confirmed that they had seen him do the very same thing," Howard wrote.

Howard was so disturbed that he took Garcia to the office of Nick Tomasic, then the district attorney for

Wyandotte County.

“I cautioned her,” Howard tells the *Pitch*. “I said, ‘Lying to me is one thing. I’m a cop — people lie to me all the time. But lying to the DA’s office, you could find yourself in a whole lot of trouble.’” Howard says he told Garcia that she could be prosecuted. But seated in Tomasic’s office, Garcia told the same story.

However, what Garcia described was not actually criminal, so Tomasic could do nothing. He suggested that Garcia file complaints with state regulatory agencies and e-mailed Howard a few phone numbers to pass on to her. Howard himself called the Kansas State Board of Healing Arts, the agency in charge of licensing doctors and other health professionals in Kansas.

“The lady just said, ‘Yeah, we get a lot of complaints about him,’” Howard says.

A month earlier, Garcia had wandered into the Pregnancy Resource Center, a counseling office on Central Avenue, a few blocks from Rajanna’s clinic.

Eugene Frye had opened the center that summer across the street from another abortion clinic, which he and other anti-abortion protesters regularly picketed.

Frye had hoped that setting up shop across the street from an abortion clinic would bring in women for free pregnancy tests and religious counseling to deter them from having abortions.

Garcia came in looking for someone to talk to about Rajanna’s clinic, Frye says. The single mother of a toddler had worked at the clinic for about a year when she learned that she was pregnant again. (Repeated efforts by the *Pitch* to locate Garcia were unsuccessful.)

“She said, ‘I work for Rajanna, and he’s going to fire me because I’m pregnant. He says he can’t have pregnant girls working at an abortion clinic. I feel he’s doing me wrong,’” Frye tells the *Pitch*. Frye says Garcia complained that Rajanna sometimes shorted his employees on their paychecks. “She was pretty upset with him,” Frye says.

But Frye says Garcia seemed almost apologetic when she told him that she and other employees suspected Rajanna was eating fetuses. “She said, ‘I can’t prove it, but we all think that’s what he’s doing.’”

After telling Frye about some of the problems at the clinic — that Rajanna disposed of medical waste in regular trash bags, which he left with each night, and that he also rushed half-sedated women out the door — she left.

The next day, Garcia came back to the Pregnancy Resource Center. This time, Frye says, Garcia offered to take photographs of Rajanna’s clinic. She said she had no money, so Frye gave her \$20 to buy a disposable camera. The following day, she brought the camera to Frye, who had the photos developed at a Wal-Mart.

One photo showed that a bathroom used by patients and staff doubled as an instrument-sterilization room. The toilet had a brown stain smeared across the seat, and Styrofoam soda cups were stacked next to and on top of it. A pile of clutter and a broom sat next to the toilet, and a bottle of Always Save bleach sat on a dingy, peeling linoleum floor near full, open trash bags. A rubber hose ran from a sink over the toilet and into a dishwasher used for sterilizing surgical instruments, and a tray of instruments sat atop the dishwasher. In a photo of the break room, every flat surface seemed crammed with clutter — an open box of Cheez-Its, a

bottle of soda, papers, cleaning products. A photo of the interior of the break-room refrigerator showed several cups containing pre-drawn syringes of drugs for patients along with a cake and a bottle of Dr Pepper and a bag of Kraft cheese cubes. In another photo, an orange garbage bag was held open, revealing a Styrofoam cup that appeared to contain a blob of bloody tissue.

Four months before Garcia took the photos, in April 2003, the Kansas Legislature passed a bill that would create special licensing for abortion clinics. Abortion doctors were already subject to investigation and discipline by the Kansas Board of Healing Arts, a body made up of physicians that can suspend or revoke the license of a doctor who is found to be out of compliance with state standards. But for the second year in a row, anti-abortion legislators tried to pass stricter rules.

Democratic Gov. Kathleen Sebelius, however, vetoed the bill.

As the 2004 legislative session began the following January, Frye approached Kansans for Life's legislative director, Kathy Ostrowski, and told her that he had photos depicting dirty conditions at Rajanna's clinic. Ostrowski urged him to file an official complaint with the Board of Healing Arts so that an investigation could be launched. On February 17, 2004, Frye did so, turning over the photos with a notarized statement about how he had obtained them.

In March, the board's director, Larry Buening, said he expected the Rajanna matter to be resolved only a couple of months later, by May 2004.

Instead, the board did not take action for a full year, and its glacial pace became a rallying point for abortion foes attempting again to pass licensing legislation.

Ostrowski says that, until Frye approached her, Kansans for Life had not planned to put much effort into an attempt to resurrect the licensing bill for the 2004 session, which would be spearheaded for the third consecutive year by state Rep. Peggy Mast of Emporia. "We just figured she'd veto it again," Ostrowski says of Sebelius.

But then Ostrowski saw the Rajanna pictures and convinced Frye to file his complaint. Though several legislators asked to see copies of the pictures, Ostrowski says she refused, in order to avoid interfering with the board's investigation.

The following month, in March, Ostrowski bumped into Tomasic, who was in Topeka to testify at a hearing about another bill. Through Tomasic, Ostrowski learned about the detectives' visit to Rajanna's clinic and obtained Howard's name and phone number. Ostrowski called Howard and asked him for a statement about the conditions he saw at the clinic.

Without the photos, the detective's testimony gave Mast, the bill's sponsor, something to help sway her undecided colleagues. "Then she could say the clinic was so filthy that a cop didn't want to sit down in it. That gave her some oomph on the House floor," Ostrowski says.

Howard's statement was full of disturbing details. When Howard and his partner visited the clinic, Rajanna's white coat appeared rumpled and stained, and his hands looked dirty, Howard wrote. Howard's partner, Mansaw, later told Howard that he had seen dried blood on the floor of the surgery room, which was covered in old plaid carpet, and that the room looked "nasty."

“The clinic was filthy. It was disgusting. It was repulsive,” Howard tells the *Pitch*. “To think that there was invasive surgery going on in that clinic was not a comforting thought. It might remind you of a clinic you’d run into in a Third World country.”

Then, Attorney General Kline got involved. He made a presentation before the House Federal and State Affairs Committee, saying that the conditions at Rajanna’s clinic proved that a licensing law was needed. He called Rajanna’s business a “back-alley” clinic. “This is a place where no woman, no person, should have to undergo a medical procedure,” Kline said.

Some legislators seized on the fetus-eating allegation.

“His own staff said that he cannibalized human tissue,” Mast tells the *Pitch*. “I have very little doubt in my mind that he did this. I had heard that they do this type of thing in China, but we in America are not ready for this. Why else would he keep them in the freezer?”

But even the tales of fetus eating and Howard’s affidavit weren’t enough to boost the bill’s chances. With the Board of Healing Arts promising to wrap up the Rajanna matter soon, Mast’s bill died in committee.

Until about five years ago, Krishna Rajanna performed abortions at Aid for Women, a Central Avenue clinic that sits in a free-standing white building with a manicured lawn and a large, neatly lettered sign that reads “Central Family Medicine.”

For years, Eugene Frye, who is in his fifties and owns a small construction business, spent his Saturday mornings outside the clinic with a small group of protesters, holding “Abortion Is Murder” signs with graphic images of mutilated fetuses and shouting to women on their way into the clinic.

“He’s very vocal,” says Sherman Zaremski, the physician who now runs the clinic. Zaremski, who worked with Rajanna before he left, says Rajanna departed after a falling-out with the clinic’s then-owner, Malcolm Knarr. The dispute culminated in a lawsuit in which Rajanna accused Knarr of withholding \$4,000 of salary. Rajanna left and opened his own clinic just a few blocks away.

“He is a good surgeon, technically speaking,” Zaremski says of Rajanna. “I don’t know that there was ever a question about his competence as a physician.” Zaremski says he’s skeptical about Garcia’s charges. Zaremski says it’s not unusual to store fetuses in a freezer. “We store a sample of the fetus in the freezer anytime somebody thinks they might prosecute for rape. Not in a Styrofoam cup, but they’re sealed, marked and labeled. It’s a matter of police chain of evidence,” Zaremski says.

But Zaremski tells the *Pitch* he was not surprised that Rajanna had been disciplined. He says he stopped by Rajanna’s clinic one afternoon a few years ago, just to be friendly, and noticed that the procedure room was carpeted — making it difficult to clean and nearly impossible to sterilize. “No, it didn’t surprise me. I saw it myself,” Zaremski says.

Jennifer Mulich, one of Rajanna’s former clinic employees, downplays the dirty conditions. “The place ain’t nothing fancy,” she tells the *Pitch*. “It’s 10th and Central, for God’s sakes.”

Mulich, who is out of a job now that the clinic is closed, says a lot of poor women were upset when the clinic

shut its doors. At \$290 for an abortion — and a sale price of \$250 on Wednesdays — Rajanna was one of the least costly abortion providers in town. “This is going to sound terrible, but we had a lot of repeat customers,” she says.

Mulich defends Rajanna, saying that the fetus-eating allegations are simply untrue. She says some employees — including Garcia — fabricated stories about Rajanna because they disliked him. “She just made up a bunch of stuff,” Mulich says of Garcia.

When the *Pitch* spoke to Howard and pressed him for details of his interview with Garcia, he acknowledged that Garcia had never said she actually saw Rajanna eat a fetus. She told Howard that she had seen him eat something from a container that resembled the ones she’d seen him store fetuses in and concluded that he’d eaten fetal tissue.

“She leaned over and whispered to one of the other girls, and they both concurred that’s what it was,” Howard says.

At first, Rajanna denied repeated requests for an interview. His attorney, Robert Manske, complained that it was unfair for Rajanna to have to prove he didn’t do something.

Finally, Rajanna granted a telephone interview. Sounding emotionally shaken by the controversy, he explained that there was a very simple reason why he never ate fetal tissue.

He’s a vegetarian.

“I was raised very strictly,” Rajanna tells the *Pitch*. “My mother would commit suicide before she’d even think of touching a meat product.” Though he says he has become more lax with his diet since he moved from southern India to the United States in the 1970s, meat still makes him squeamish. And he says he’d never consume a fetus. “This is outrageous,” Rajanna says.

Telling a police officer that Rajanna ate fetuses, the doctor says, was Garcia’s way of getting revenge on him for reporting that he suspected his employees of theft and for firing her.

Rajanna says the police came to investigate the missing \$1,000 but immediately sided with the employees. Rajanna admits he kept aborted fetuses in Styrofoam containers in his refrigerator’s freezer, but he says he did it to keep them from rotting before they could be picked up by his biohazard disposal service. He adds that the vegetables and rice he eats from plastic containers, which he brings from home, are nothing like the Styrofoam containers in the freezer. “My food is in my own plastic containers. I make it at home and take it there,” Rajanna says.

The doctor chalks up the allegations to an anti-abortion conspiracy. “That police officer was a pro-lifer’s dream,” he says. “Now all of them have gotten together on this.”

In February 2005, a full year after Frye’s initial complaint, the Board of Healing Arts took action against Rajanna. Citing numerous problems with the cleanliness of his clinic, the board fined him \$1,000 and made him promise to clean the place up, get certified in advanced cardiac life support and submit to two unannounced follow-up inspections.

It wasn’t the first time the board had disciplined him. In 2000, Rajanna was fined \$1,000 for improperly

dispensing prescription medications. A year later, he was fined another \$1,000 for failing to provide Rh factor testing to patients. (When performing abortions, doctors must provide all women who have an Rh negative blood type with a drug to help them avoid serious complications with future pregnancies.)

On March 22 and 24 of this year, Board of Healing Arts investigator Peter Massey conducted surprise inspections of Rajanna's clinic and found that conditions had actually worsened. On the second visit, he snapped a photo of a dead mouse on the clinic floor.

The next day, the board issued an emergency order and temporarily suspended Rajanna's medical license. A hearing was scheduled for March 31.

Meanwhile, the latest debate on abortion-clinic licensing was raging in the Kansas Legislature, and Rajanna's clinic was at the center of it.

Mast again sponsored a licensing bill, this one called the Women's Health Protection Act. At the beginning of the session, the Board of Healing Arts still hadn't taken action against Rajanna, and this time, legislators had obtained the photographs taken by Garcia.

"The evidence over these past few years has just been so compelling that anyone in their right mind can't avoid it," Mast tells the *Pitch*. "This kind of thing would never be accepted in any other medical clinic or even in a restaurant without being closed down."

The 2005 bill called for the state to set standards for abortion clinics, including requirements for dressing rooms for staff and patients, separate counseling rooms, supervised and staffed recovery rooms, secure medical-record storage areas, and ultrasound equipment in clinics that perform abortions on women who are 12 or more weeks pregnant.

"One of the problems with the bill is that it's so prescriptive," says state Rep. Nancy Kirk, who opposed the bill. "Most of us who have been here awhile know it's not good for legislators to try to play medical doctors. The statutes should be broad in nature, guidelines that drive the rules and regulations." Kirk says she would back legislation that, instead of singling out abortion clinics, requires licensing and inspections for all doctors' offices and clinics — such as those run by podiatrists, dermatologists and even dentists — where doctors perform surgery using anesthesia.

"What a number of us were opposed to was singling out one procedure. We're trying to get this out of the abortion battleground," Kirk says.

Jana Mackey, a lobbyist for the Kansas chapter of the National Organization for Women, says the detailed requirements in the bill and the burden of paying high annual licensing fees to cover the cost to the state of implementing the bill — estimated at \$291,188, according to a fiscal note drafted by state legislators this year — would cause major hardship for clinics.

Of the seven abortion clinics remaining in Kansas (down from 26 clinics in the late 1970s, a few years after the *Roe v. Wade* decision), only the two largest clinics — Comprehensive Health in Overland Park and George Tiller's Women's Health Care Services in Wichita — would survive a licensing law, Mackey says. Even the

clinics that survived, she adds, would have to pass on the costs to patients, many of whom would have to

travel farther to get abortions.

According to the National Abortion Rights Action League, Kansas is one of the worst states for abortion access. In a rating system from A to F, the group gives Kansas a D minus based on the state's laws and the political leanings of its Legislature and attorney general.

Zaremski says provisions of the bill — such as requirements that clinic hallways be wide enough to accommodate a gurney and that a room be used only for counseling, along with an estimated \$49,000 a year licensing fee — would be difficult for small providers to meet. “The bill wouldn't do anything except put people out of business,” Zaremski says.

But the Rajanna photos, along with the January 2003 death of a 19-year-old Texas woman after an abortion at Tiller's Wichita clinic, gave the bill's proponents ammunition.

“I think the photos were used as a major part of a fear campaign — they were really used for shock value,” Mackey says.

When Kansans for Life distributed the photos depicting the inside of Rajanna's clinic, even the bill's opponents admitted they looked bad. “Nobody supports or condones the conditions that were in that clinic,” Kirk tells the *Pitch*. The pictures left pro-choice lawmakers on the defensive and allowed anti-abortion activists to portray the issue as one of women's health.

State Sen. Roger Reitz, a medical doctor who voted against previous versions of the bill, says the photos of Rajanna's clinic changed his mind on the clinic-licensing issue. Reitz remembers the moment a colleague tapped him on the shoulder during a break and slid the color photos toward him. “I was aghast. I had thought better of my colleagues,” Reitz says. “It was simply unacceptable.”

The photos swayed other moderate legislators as well, and for a while this spring, the bill looked as though it might finally succeed with enough support to override an expected veto.

The bill would come to a vote on March 31, the same day Rajanna was scheduled for his hearing at the Board of Healing Arts.

At the hearing, the board's disciplinary counsel, Stacy Cook, presented evidence against Rajanna to the hearing's presiding officer, board member and doctor Nancy Welsch.

Investigator Massey testified that on his first surprise visit to the clinic, on a Tuesday morning, it was dirty and the doctor was not there. Staff members told Massey they couldn't reach Rajanna because his cell phone had been stolen and he didn't have a home phone.

Massey testified that he looked around anyway and saw a number of problems: The floors needed vacuuming, there were soiled surgical drapes in the office that had been folded and stacked instead of thrown away, the toilet was dirty and streaked, two plastic bags full of trash sat on the office floor, old paper towels sat in the soap dishes, and there were large gaps along the baseboards in the procedure room left by the removal of carpet. In the recovery room, there was an old living-room couch with a standard bed pillow and

blanket on it. The lids were off the biohazard containers, leaving bloody waste exposed. In the refrigerator,

predrawn syringes of medication were unlabeled, with only a handwritten initial of the drug on the cup containing the syringes.

Two days later, Massey arrived on a Thursday morning and found the dead rodent. When Rajanna arrived and Massey told him about the mouse, Massey testified, “He somewhat exclaimed that it was working, that his rodent pest control was working.” Rajanna explained that he had put out rat poison in the clinic. When Massey asked Rajanna why the clinic was so dirty, “He told me that he had explained to ‘his girls’ that this needed to be cleaned, but they had failed to clean,” Massey testified.

At the hearing, Rajanna called two clinic employees to testify. “Personally to me the office was never really dirty,” employee Lori Jakes stated. During cross-examination by Cook, she admitted that she had been hired to clean the office but had quickly been called on to assist during abortions. The staff had so many duties, Jakes said, that they sometimes didn’t have time to check on patients in the recovery room.

In his closing statement, Rajanna admitted that his clinic had “some deficiencies” but complained that the board had not made requirements clear to him. “It was very difficult to pinpoint how to make it 100 percent compliant,” Rajanna said. “I may have one opinion of an item, and the board’s investigator may have a different opinion of the same item.”

During Rajanna’s statement, an attorney for the board, Mark Stafford, interrupted to warn the doctor not to rely on the board to help him comply. “You need to seek the appropriate legal or professional advice,” Stafford told him.

Cook said, “This case is unique in that multiple times this board has instructed Dr. Rajanna on the deficiencies of his clinic. The board doesn’t have the resources to visit each doctor’s office once a month to make sure they’re cleaning.” She added that Rajanna should hire professional pest control and cleaning companies and, as a practicing physician, should know how to properly dispose of medical waste. She said Rajanna was violating state law regarding labeling medications, which requires that labels include the drug’s name, the name of its manufacturer, its lot number, its strength and quantity, and its expiration date.

After the hearing, Welsch ordered that Rajanna’s license remain suspended for 30 days to give the board a chance to review his case. Following another postponement in April, the board revoked Rajanna’s license this past weekend.

During the Board of Healing Arts proceedings against Rajanna, no mention was made of the allegations that the doctor had eaten fetuses. When the *Pitch* asked why, Buening said the board had been unable to substantiate the charges in interviews with 17 witnesses. “Anybody who it was alleged had any information in regard to the situation was contacted,” Buening says. “Any allegations that were made, we pursued. The charges we were left with were only the ones we felt we could prove.”

The same day of Rajanna’s hearing, the Kansas House of Representatives passed the abortion-clinic-licensing bill by what supporters called a “veto-proof” margin of 88 to 34. The state Senate had already approved the bill by more than a two-thirds margin with a vote of 27 to 12. If no legislators changed their votes, it looked like a veto could be overridden.

Two weeks later, on April 15, Gov. Sebelius vetoed the bill, as she had said she would. “Once again in 2005,

the Legislature has chosen pure politics over good policy, has rejected uniform standards for all procedures, and has instead chosen to regulate only one procedure — abortion,” Sebelius said in a statement she released that day.

On April 28, legislators in the House tried to override the veto but failed by two votes. “We were a little worried, but in the end the vote came out exactly as we expected it to,” Mackey says.

If the Rajanna investigation had helped boost the bill’s chances, his disciplining, some say, helped sink it.

Kansans for Life’s Ostrowski accuses the board of politically motivated timing. It was no accident, she says, that the Board of Healing Arts finally suspended Rajanna’s license the same day the Legislature voted on the licensing bill.

But Stafford, the board’s attorney, dismisses the connection. “Politics, I don’t think that had anything to do with it,” he says. “The board meets only six times a year, and they can only take final actions at those times. It came up as the result of a completed investigation, and I think there was just a lot of coincidence there.”

The investigation took a long time, Buening says, because the board’s seven investigators are stretched thin, with about 700 cases open at any one time. (Not all open cases require full investigations, however.) He says the board is considering revising its procedures in order to complete urgent investigations faster.

“I think in hindsight now it’s, Gosh, I wish we would have gotten that done a little faster than what we did,” Buening says.

Rajanna has moved out of the building on Central Avenue and does not plan to go back. He hired an attorney in May, and he can appeal his license revocation to the district court. He says he is a good surgeon and has had a very low rate of complications. “If there’s any way we can make them understand the truth, it’s what I want to do,” Rajanna says.

Rajanna says he was offering a service to the community by providing abortions at a lower price than other area clinics. “We were helping the women in the community. The hugs that I get is enough reward,” he says.

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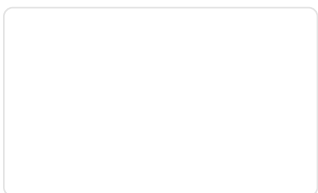
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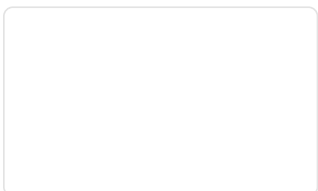
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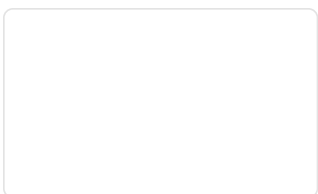
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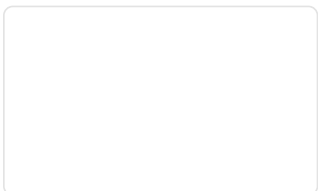
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