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Testimony In Support Of HB2503

Chairman Morrison and members of the committee:

Thank you for the opportunity to testify in support of House Bill 2503, which would implement minimum health and safety standards for abortion clinics that operate in Kansas. My name is Mike Farmer and I am the Executive Director of the Kansas Catholic Conference, the public policy office of the Catholic Church in Kansas.

Abortion is an invasive, surgical procedure that can lead to numerous and serious medical complications. Because there are no uniform state collection requirements for data on abortion complications, the actual risk of medical complications are impossible to accurately quantify.

Numerous ex-clinic employees agree that 75-80% of women ordinarily do not return to the abortionist for a follow-up exam. Add to that the fact that roughly half of the women undergoing abortion in Kansas don't even live here. Therefore it is even more important that abortion clinics meet minimum health and safety requirements.

Abortion clinics in Kansas are unregulated. There are five known abortion businesses operating out of seven locations in Kansas. Six of the seven locations are not inspected nor require any licensing from the state because they are considered "doctor offices" under the authority of the Kansas Board of Healing Arts. The seventh, the Planned Parenthood facility in Overland Park, has a license under the Kansas Department of Health & Environment to operate as an Ambulatory Surgical Center. The ASC license is voluntary and seems to carry no penalties for violations; for example, KDHE did not levy any fine or close Planned Parenthood doors in 2002 when it was cited for numerous deficiencies. (see attachment)

The state Healing Arts Board is charged with granting or denying licenses to practitioners, not facilities. But even in that charge, the Board is lenient. The Board has not removed the license of Kansas City abortionist Krishna Rajanna even when they showed Rajanna to be severely out of compliance with the Board's Guidelines for Office-Based Surgery. The Board spent one year arriving at a finding of fact that was plainly evident in photos of the clinic made public last April by the Attorney General's office.

At that presentation, it was pleaded that all legislators ignore politics and enact clinic licensing. Unfortunately, that didn't happen and now an abortionist without certification in addressing cardiac events and resuscitation emergencies is permitted to stay open for business. That was the situation Missouri found (see attachment) after a Planned Parenthood abortion patient died when under the care of an abortionist without this same certification

There are six current abortionists who reside in Kansas and of those six, three (Zaremski, Rajanna and Tiller) have disciplinary files with the Board, and two others (Hodes and Crist) have amassed at least 40 malpractice suits. There have been at least 4 known, litigated, deaths following abortions from Kansas-licensed practitioners: 1988 in Kansas City, 1991 in Houston, and 1981 and 1997 in St. Louis. Now we await confirmation as to the cause of death of a 19-year-old Texas woman who died on or about Jan. 13, 2005, having been rushed by ambulance to Wesley hospital from George Tiller's abortion clinic.

The regulatory standards embodied in HB 2503 are derived from standards and protocols promulgated by abortion providers and abortion advocacy groups, specifically the Planned Parenthood Federation of America and the National Abortion Federation. The language of HB 2503 bill has been upheld repeatedly in circuit courts and district courts. For more information on court decisions and answers to commonly raised objections, I encourage the committee to review the testimony of Denise M. Burke, a senior litigation counsel with Americans United for Life, with extensive experience in constitutional law and abortion jurisprudence.

The Kansas Catholic Conference unreservedly supports passage of HB 2503 and would urge you to recommend this bill favorable for passage.

Planned Parenthood of Mid-Missouri Eastern Kansas**Sample excerpts of how Planned Parenthood failed inspection in Kansas:****5-24-02 KDHE Inspection**

"based on record reviews and staff interview, the facility failed to establish a policy that would allow patients the right to access the information in their medical record." 28-34-521 (a) (4)

"facility failed to provide education to facility staff related to reporting of reportable incidents. 28-34-55a (e)

"Staff...would not necessarily report medication or treatment errors" 28-34-55a (e)

"failed to assure that only authorized personnel had access to medical records" 28-34-57(b)

"boxes of medical records stored in an unlocked open room" 28-34-57(b)

"facility failed to initiate and maintain an ongoing infection control program" 28-34-58a (a)

"facility failed to require medical examinations upon employment and subsequent medical exams or health assessments thereafter" 28-34-58a (b)

"employee files ...failed to have immunization histories" 28-34-58a (b)

"outdated drugs dispersed among other drugs on the shelves in Pharmacy" 28-34-59a (h)

"bulk narcotics...nurses have access to these narcotics they are not counted by nursing" 28-34-59a (h)

Sample excerpts of how Planned Parenthood failed inspection in Missouri:

6-24-97-inspection by Missouri Department of Health following death of abortion patient; the physician is abortionist Robert Crist at Planned Parenthood in St. Louis

"facility failed to see that all licensed personnel are CPR certified. The physician involved in the medical emergency failed to have CPR certification" 19 CSR 30-30.060(1) (B) 11.D

"Facility failed to have the necessary emergency equipment immediately available to the procedure room as required by 19CSR 30-30.060(3)(L)"

"the facility failed to have the necessary equipment needed in a respiratory and cardiac arrest situation" 19CSR 30-30.060(3)(L)

"the patient was in cardiac arrest...no CPR was attempted by the provider" 19CSR 30-30.060(3)(L)

"facility failed to have the necessary emergency endotracheal equipment available" 19CSR 30-30.060(3)(L)

"An abortion was performed on patient whose hemoglobin was 8.0. the facility policy indicates that anyone in the first trimester that has a hemoglobin of 8 should be ineligible for the procedure" 19CSR 30-30.060(3)(L)

"On 4-30-97 ...22 year old patient who had an abortion, began seizing, lost consciousness and ceased to breathe....patient was transferred to an acute care hospital via ambulance where she later died." 19CSR 30-30.060(3)(L)