

(Hand-delivered) Feb.21, 2005

Dear Mr. Buening:

Your letter of February 14 summarizes the disciplinary action taken against abortionist Krishna Rajanna on Feb.12, 2005. Since Kansans for Life was the agent that allowed evidence to get recognized by you (where law enforcement and Wyandotte DA had failed) KFL would certainly have attended that meeting had your office notified me or posted it on the online BOHA agenda. We monitor your site and, although other practitioners' names were listed for Feb. 12, Rajanna's was not.

Additionally, as I am now Kansans for Life Director of Legislative Research, our new State Legislative Director Dan Williams wrote you in early January requesting an update as to the status of the Rajanna inquiry. He has received no reply.

When I attended your June 2005 meeting, it was plain to me that the Board was ignorant of the Rajanna clinic scandal. I appreciated the chance to speak for a few minutes and sent an informational follow-up letter to each Board member. Amazingly, I received not one response, nor even a short email acknowledging receipt of my letter by any member.

In my follow-up letter, I requested that the Board authorize you to tell the legislature that the Board Guidelines for Office-Based Surgery (OBS) were not equivalent to the vetoed clinic licensure bill which has passed federal court scrutiny 5 times. For at least 2 years, abortion supporters have claimed that your Guidelines sufficiently protect women in abortion clinics, but this Rajanna disciplinary action proves the contrary.

We are deeply disappointed, though unfortunately not surprised, at the results of your 1-year probe. Rajanna remains open today, operating without life-saving certification or accredited facility approval. According to your findings, KFL was right, and the AG was right, that a licensed practitioner has been operating a sub-standard, deficient, filthy clinic.

Despite your findings that Rajanna was, and is today, unable to guarantee life-saving services, he is still doing abortions as he "slides into" OBS compliance. Women are in jeopardy up until February 2006 at the Rajanna clinic. This is what BOHA intervention amounts to!

KFL has strenuously opposed this pattern of protecting abortionists rather than protecting the safety of women, as witnessed in your dealings with Rajanna's former co-employees Kristin Neuhaus and Malcolm Knarr. You permitted Neuhaus to stay in business when she was practically unable to viably practice medicine due to DEA restrictions. You allowed women access to Neuhaus while she was under random drug testing and prescription supervision. You described her deficient at every level of patient care: intake, monitoring, and recovery. Like Rajanna, she persisted in keeping pre-drawn syringes and was not certified in resuscitation.

Your stubborn resistance to removing admitted drug addict and felon Knarr was so appalling it personally lead me to this "hobby" of monitoring abortionists and malpractice in Kansas. The charges in the whistleblower affidavit that nailed Knarr incredibly "matches" the information of the Rajanna whistleblower 11 years later! (see enclosed chart)

It is hard not to see politics, rather than logic and true professionalism, at work here. If there are other licensed practitioners "living on the edge" by doing risky procedures in their offices instead of licensed facilities, why not honestly address those problems separately? This is not a situation where you must treat all licensed practitioners equally because the U.S. Supreme Court has said Abortion is unique and unlike other medical practices. For over 30 years, litigation has clearly outlined the specific needs of abortion clinics, based on numerous, continuing cases of abortionists, like Rajanna, cutting corners.

Law enforcement officers who visited Rajanna's clinic were disgusted, yet they were not able to find a state regulatory agency willing to close it. They saw roaches, bloodied floors and young women without medical training, much less a high school diploma, running an assembly-line nightmare. (As has been validated by New York Times, abortion clinics are notorious for employing impoverished untrained staffers.)

Your agency is ineffective at closing such a place without a statutory licensing authority. KDHE is also ineffective at forcing compliance from the Planned Parenthood clinic voluntarily licensed as an ASC. The abortion clinic licensing bill ALONE has the teeth to secure compliance from abortionists who are violating their own industry standards with impunity.

Additionally, the abortion clinic licensing bill mandates a clinic director with responsibility for monitoring the staff AND the abortionist. Your Guidelines do not. Kansas-licensed Leroy Carhart worked at a Humedco abortion clinic in Nebraska where the medical director charged him with using his cell phone and falling asleep during abortions, as well as breaking safety protocols. Even if Carhart has been issued a copy of your Guidelines, how are they monitored or enforced?

The disciplinary action mandating cardiac life-support training indicates Rajanna has not possessed the necessary emergency skills during this year, nor is he required to be certified as such until August 2005, while he continues to operate. Based on information from several sources in 2003 and 2004, Rajanna did not have the necessary monitoring equipment, trained staff, nor medical procedures in place to follow these guidelines. He did not have one person dedicated to monitoring the patient under analgesia & sedatives. He did not have a properly outfitted and manned recovery room.

In January, a pro-life citizen tried to help a foreign-born woman who was observed vomiting in Rajanna's parking lot, and although dizzy, would be driving herself home. Why should we believe your "intervention" with Rajanna has changed anything? Yours is a reactive agency, and there are no signs posted, or public awareness campaigns conducted, on how to report deficient assembly-line abortion clinics.

This disciplinary action for Rajanna raises many troubling questions, specifically:

1. Regular observers at Rajanna's clinic see him bring black garbage bags out of the office and into his car, and have followed him as he deposited this medical waste in various private housing dumpsters. How does the Board action secure daily compliance for medical waste disposal or any other mandate?
2. When will the OSHA requirements be enforced, a complaint that the clinic whistleblower said he ignored ?
3. Why is such a small fine incurred when so much expensive tax-funded manpower is involved?
4. Why do you not use the full force of your authority to close him until he passes OBS inspections and achieves life-support certification?
5. Kansas' six abortion clinics belong in an inspection-based licensing program with legally tested standards. Why will you not relinquish them when you have neither the expertise nor the budget to micro-manage them?

I await your reply.

Sincerely,

Kathy Ostrowski, KFL Legislative Research Director