

Testimony in Support of HB 2503
House Health and Human Services Committee
Tuesday, March 15, 2005

Chairman Morrison and Members of the Committee:

Good afternoon, I am Kathy Ostrowski, State Legislative Research Director for Kansans for Life. I am here to support the Women's Health Protection Act, on its own merits, but more specifically today to underscore the need for HB2503 based on the actions of the state Board of Healing Arts.

Jeannie's testimony (and out submitted documentation) points out that abortion clinics are in deplorable condition, and untrained staffers can't be relied upon to report to the Board. Those are structural problems. What I want to highlight is that even when the Board receives whistleblowers' reports and notice of severe restrictions from the federal Drug Enforcement Agency, they stubbornly refuse to address problems in an aggressive, woman-protective way. When it comes to abortion, the Board

- 1) protects abortionists and keeps their doors open after proclaiming them substandard and
- 2).allows them to "slide" into compliance, micromanaging their practice at taxpayer expense.

Last year KFL presented the testimony of a former employee (we call her Ruby). She described a filthy, substandard abortion clinic and took pictures to back up her claims Everything she alleged was reflected in the Board of Healing Arts' Feb.12, 2005 disciplinary order against Krishna Rajanna.. Unfortunately, it took the Board a year to

- 1) affirm the filthy conditions,
- 2) issue a small fine (the price of 3 early abortions) and
- 3) proclaim that Rajanna must obey the Board's Guidelines for office-based Surgery.

And without Kansans for Life, they never would have reviewed his business! The Board had been contacted in September 2003 by law officers and the District Attorney, but basically blew them off. In fact, when photos were brought February 18, 2004 to the Board with an official form, they didn't even have the courtesy to sit down with the complainant or call him for 3 months! By this time the AG had released the whistleblower photos to the media and legislators. And the legislative session was over—how convenient.

They hadn't even visited the Rajanna clinic for 5 weeks, even when legislators repeatedly called for information. SO, basically the Board had all the time they wanted to show their true colors —and they have only strengthened the case for the Women's Health protection Act.

I attended the June 2004 meeting where the Board discussed and decided it did not want to inspect abortion clinics, and they had not the staff, expertise nor budget to attempt more than they presently do. I agree—they have several hundred open cases. Surely a

licensing law with abortion-specific protocols to insure safety, and one that governs facilities, not doctors, is something the Board should support.

At that meeting, one Board member was disturbed to learn that Kansas does not license by specialty. Thus a Kansas medical license allows the practitioner to do business in ANY branch of medicine, regardless of training. This explains how Kansas ended up with these abortionists:

1)A 76-year old pulmonary (lung) physician began aborting when his substance-abusing, felon, KCK abortionist partner lost his Kansas license.

2)A 72 year old Lawrence abortionist did not report the rape of a child (a case that was eventually successfully prosecuted) but was not disciplined by the Board.

3)A washout surgeon with paternity and alimony financial troubles, and who was identified in a lawsuit as selling drug scrips for his livelihood, began aborting in KCK at age 63.

4)A 76 year old family practitioner in KCK was aborting quietly without advertisement, and more dangerously, without using sonograms, according to his staffer. All 4 of these abortionists have had disciplinary actions against them from the Board, and that's not all that do. During the last 10 years, 13 private abortionists resided in Kansas, of whom 8 have disciplinary files with the Board. Yet there is no deterrence from these Board actions. The whistleblower in 2003 cited the same criticisms about Rajanna that were voiced in the 1992 whistleblower testimony about Rajanna's former co-abortionist Malcolm Knarr. The cost-cutting cited in Neuhaus was practiced by Rajanna

The Board of Healing Arts protection to women is inconsistent or nonexistent:

- 1) They order Rajanna to obtain certification but do not stop him from doing business without it. Either it's necessary to practice safely or it's not; there's no middle ground. If they say it's necessary to be certified, how can they allow him to do business without it?
- 2) They order certain facility improvements but allow him one year to pass inspection.
Again, either he is unsafe without sufficient equipment and protocols or he isn't unsafe.

When it comes to abortion, the Board isn't protecting women, and isn't deterring bad practitioners. But it is checking into the death of a 19 year-old woman with Downs Syndrome, who was rushed to the hospital from the Wichita clinic of general practitioner George Tiller. The Governor wants to know if her veto of this bill in 2003 can be faulted in the death. Will it take the Board one year to answer?

In the meantime, please pass HB2503. Thank you, I stand for questions.