

OVERVIEW:

THE EVIDENCE IN AMERICANS UNITED FOR LIFE'S GROUNDBREAKING, INVESTIGATIVE REPORT

UNSAFE: HOW THE PUBLIC HEALTH CRISIS IN AMERICA'S ABORTION CLINICS ENDANGERS WOMEN

Overview:

- Building on the legacy of AUL's groundbreaking, four-part expose of Planned Parenthood, AUL now offers *Unsafe*: How The Public Health Crisis in America's Abortion Clinics Endangers Women. This latest investigative report focuses on the increasingly suspect safety record of America's abortion industry, including non-Planned Parenthood clinics which are currently performing two-thirds of all abortions.
- Evidence collected from 32 states on hundreds of abortion clinics (including Planned Parenthood abortion clinics) and individual abortionists establishes that the practice of abortion in America has devolved into the "red light district" of medicine and is populated by dangerous, substandard providers. *Unsafe* is both a "snapshot" in time, focusing only on abortion practices since 2008, and the "tip" of the proverbial iceberg, convincingly demonstrating a nationwide pattern of abuse that characterizes an industry that fights to keep profits high and standards low.
 - » *Unsafe* documents that "227 abortion providers in 32 states were cited for more than 1,400 health and safety deficiencies between 2008 and 2016."
 - » *Unsafe* reveals "hundreds of significant violations" of state laws regulating abortion clinics.
- Importantly, even limiting the scope of our investigation to the last eight years, efforts to discern the true state of abortion practices in a number of states was stymied by a dearth of protective laws in a number of states, a lack of reporting in others, and limited public availability of information on abortion providers in still more states. We can easily deduce, therefore, that the epidemic of substandard abortion practice is worse than *Unsafe* reveals.
- Moreover, with the Supreme Court's recent decision in *Whole Woman's Health v. Hellerstedt*, prioritizing "mere access" to abortion facilities and abortion industry profitability over women's health and safety, we can expect that the problem will get worse. It will certainly worsen unless pro-life Americans and their elected representatives take immediate action to confront and remedy the abortion industry's dangerous practices and its systemic rejection of medically appropriate health and safety standards of patient care.

1. TOP 10 VIOLATIONS CITED IN UNSAFE

VIOLATION	CLINICS IMPLICATED/ STATES IMPLICATED
1. Failure to ensure a safe and sanitary environment and to follow infection control policies	130 clinics in 22 states
2. Failure to accurately document patient records and keep patient medical information confidential	100 clinics in 17 states
3. Failure to ensure staff are properly trained for duties	82 clinics in 14 states
4. Unlicensed/unqualified/untrained staff providing patient care	81 clinics in 14 states
5. Expired medications and medical supplies	77 clinics in 17 states
6. Failure to adopt, follow and/or periodically review internal health and safety protocols	77 clinics in 15 states
7. Failure to purchase and maintain the required equipment	74 clinics in 11 states
8. Failure to properly handle medications	62 clinics in 16 states
9. Failure to comply with physical plant standards	41 clinics in 6 states
10. Failure to monitor patient vital signs	30 clinics in 10 states

2. PLANNED PARENTHOOD CLINICS NO BETTER

Despite claims that its “committed professional staff” provides “high quality”¹ healthcare, Planned Parenthood figures prominently.

- Thirty-nine Planned Parenthood clinics in 15 states (Alabama, California, Colorado, Delaware, Florida, Illinois, Maryland, Michigan, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, and Virginia) are cited in *Unsafe*.
- For example, a Planned Parenthood clinic in Birmingham had its license suspended in early 2014 when clinic employees were caught selling abortion-inducing drugs in the facility’s parking lot.²
- Various Planned Parenthood clinics across the nation were found to have committed each of the violations delineated in *Unsafe*’s “Top 10” violations list.
- Moreover, in 2015, Florida officials launched an investigation in response to the videos released by the Center for Medial Progress (CMP) which highlighted top Planned Parenthood officials discussing fetal tissue procurement practices within the organization. A state investigation is still ongoing, but a Planned Parenthood facility in Pembroke Pines has already been cited for failing to adhere to its own policies regarding the disposition of fetal remains.

¹ See, e.g., <https://www.plannedparenthood.org/health-center> (last visited Nov. 8, 2016).

² See, e.g., “Birmingham abortion clinic reopened, giving Alabama a total of 5,” http://www.al.com/news/birmingham/index.ssf/2014/10/birmingham_abortion_clinic_reo.html (last visited Nov. 8, 2016).

Moreover, at least three Planned Parenthood facilities (in Fort Myers, Naples, and St. Petersburg) have been cited for performing second-trimester abortions without the proper licenses.

3. FREQUENT LICENSE REVOCATIONS AND SUSPENSIONS

- When medical deficiencies and violations of health and safety regulations are uncovered, some abortion providers are permitted to remain in operation, subject to a documented plan to correct the deficiencies and violations. In some instances, however, the abortion clinic is closed and its license to operate is revoked. This typically occurs when deficiencies and violations present an immediate and serious threat to patient health and safety or when the provider has refused to remedy dangerous conditions.
- At least 34 abortion providers in at least 16 states have had their licenses suspended or revoked or were otherwise closed by state officials including providers in Alabama, California, Delaware, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wyoming.
 - » Some providers such as Michael Basco and Nicola Riley had their licenses revoked or suspended in more than one state.

4. ABORTION INDUSTRY IS REplete WITH CHRONIC OFFENDERS

- Inexplicably for an industry that publicly claims that its primary concern is for women's health and safety, abortion providers routinely refuse or fail to remedy deficiencies or violations identified by state health officials during routine inspections.
- It is not clear whether the abortion providers are unwilling or unable to address the medical deficits. Regardless of the motivation, these failures put untold numbers of American women at increased risk.
- Evidence in *Unsafe* documents that at least sixty-five (65) "chronic offenders" offenders are prevalent in 11 states including Alabama, Florida, Illinois, Louisiana, Maryland, Michigan, Mississippi (where the state's only abortion clinic regularly violates health and safety standards), North Carolina, Ohio, Pennsylvania, and Virginia.

5. SUMMARY OF FLORIDA CASE STUDY

- Florida provides an excellent "case study" for trends regarding abortion facility conditions because it is a large state with a significant number of abortion providers, and it makes all of its abortion facility inspection reports available to the public.
- Thirty-one (or 38 percent) of the 82 abortion facilities registered with the Florida Agency for Health Care Administration were cited for violations of the state's health and safety standards between 2009 and 2014.
- Nearly 1 in 5 of Florida's abortion clinics qualified as "chronic offenders" during the same time period.
- A careful review of the available evidence from Florida also accurately paints a picture of the American abortion industry as a whole. It reveals a profit-motivated business which cavalierly ignores the law, discounts the documented dangers inherent in abortion, perpetuates and defends its dangerous practices, and endangers the lives and the health of women.

6. PERILOUS PREVALENCE OF “CIRCUIT RIDER” ABORTIONISTS:

- In recent years, many journalists have romanticized travelling abortionists (who do not reside in the communities in which they perform abortions), portraying the abortionists’ commutes as acts of heroism and overlooking the paychecks that provide the motivation for their multi-state businesses.
- More disturbing than the false insinuation of altruism is the general inattention to the lack of care available to patients when the abortionists cut-and-run across the country after they have been paid for abortion procedures. Some of these “circuit rider” abortionists fly in and out of town the same day that they perform abortions.
- “Circuit rider” abortionists present distinct risks to women’s lives and the healthcare system, and the rising prevalence of “circuit rider” abortionists shatters the myth that abortion is “between a woman and her doctor.”
- While an in-town abortionist rarely has any meaningful doctor-patient relationship with a woman seeking an abortion, “fly-in” abortionists utterly disprove the forecast of the U.S. Supreme Court in *Roe v. Wade* that their decision would place abortion between a “physician, in consultation with his patient...”
 - » Court documents reveal that “Dr. A” flies from her home in Nigeria to perform abortions in Montgomery, Alabama, where she will not even spend an overnight, instead choosing to stay two hours away in Atlanta, Georgia.
 - » Dr. Willie Parker returns to his home in Chicago, 750 miles away from his abortion patients in Alabama and Mississippi.
 - » Dr. Susan Wicklund, who makes a home in Montana, has traveled 200 miles a day “for a weekly five-city Midwest circuit (St. Paul, Milwaukee, Appleton, Duluth, and Fargo).”
 - » For over a decade, Planned Parenthood in South Dakota has been unable to recruit any South Dakota doctors to work at its clinic, so Dr. Carol Ball, who lives over 250 miles away in Minnesota, is one of three out-of-state doctors Planned Parenthood imports.

7. FAILURE TO CONDUCT INSPECTIONS AND ENFORCE LAW EXACERBATES PUBLIC HEALTH CRISIS:

- One of the most important lessons learned from the criminal case against Kermit Gosnell and from the substandard and dangerous practices at his West Philadelphia abortion “house of horrors” was the need to appropriately and consistently enforce state abortion laws. Protective laws do no good if they are simply on the books, but are not properly enforced.
- During its exhaustive review of the evidence against Kermit Gosnell, a Philadelphia grand jury found fault with repeated failures “to enforce laws that should afford patients at abortion clinics the same safeguards and assurances of quality health care as patients of other medical service providers,” specifically noting that even nail salons “are monitored more closely” than abortion clinics. As the Gosnell grand jury concluded, to prevent future abortion tragedies, we “must find the fortitude to enact and enforce the necessary regulations. Rules must be more than words on paper.”
 - » AUL’s *Enforcement Module* (part of the *Women’s Protection Project*) provides state officials with the tools necessary to properly enforce health and safety standards.

- Pennsylvania is not alone in this failure, and the lack of state enforcement has specifically included the failure to inspect abortion clinics to ensure compliance with state abortion laws, including minimum health and safety standards and the failure to certify that clinics are properly licensed.
 - » In recent years, enforcement problems have been reported in states across the nation, including Illinois, Michigan, New Jersey, New York, North Carolina, Ohio, and South Carolina.

8. THE SOLUTION – AUL’S WOMEN’S PROTECTION PROJECT:

- AUL has long championed the uniquely effective “mother-child” strategy which seeks to legally protect both a mother and her unborn child. This approach recognizes that abortion harms both mother and child and exposes the lie propagated by the abortion industry that a woman’s interests are often at odds with those of her unborn child. It further affirms that to effectively protect women, you must legally protect the unborn. Similarly, to protect the unborn, you must protect their mothers.
- Through its more than 40 years of strategic legal expertise including its expansive catalogue of model legislation, AUL remains the leading advocate for laws protecting women and girls from the physical and psychological harms of abortion and from the dangerous and substandard facilities and practices that are all too common in America’s abortion industry, as well as for laws providing legal recognition and protection for unborn infants.
- The “mother-child” strategy is encapsulated in the *Women’s Protection Project*, launched in December 2013, and the *Infants’ Protection Project*, introduced in December 2015. These two complementary projects are perfectly positioned to advance pro-life objectives after *Hellerstedt*.
- AUL’s *Women’s Protection Project* is the premier legal blueprint for protecting women and their children from an increasingly under-regulated and rapacious abortion industry. American women deserve more than the abortion industry’s false promises that “mere access” to abortion guarantees their health and well-being. After all, Kermit Gosnell’s squalid clinic provided “mere access” to abortion, and women paid the price for this “access” with their lives, with their fertility, and with their future physical and mental health.