

THOMAS MORE SOCIETY

A National Public Interest Law Firm

February 7, 2013

Via Personal Messenger

Illinois Department of Professional Regulation
Complaint Intake Unit
100 W. Randolph St. Ste. 9-300
Chicago, IL 60601

Dear Sir or Madam,

This letter is a formal complaint, filed by the Thomas More Society on behalf of our client, the Pro-Life Action League.

On Friday, July 20, 2012, a 24 year old single mother, Tonya Reaves, died as a direct result of an abortion performed at the Planned Parenthood at 18 South Michigan Avenue, Chicago, Illinois 60603. This death was reported in several major news sources (for example, see the CBS article attached here as Exhibit A). Abortion is a legal, albeit relatively unregulated, procedure in Illinois. Our client has a number of safety concerns about the care Ms. Reaves received at Planned Parenthood before her death, care that appears to fall below the minimum standard of care mandated by Illinois for licensed physicians. (Her family, too, is concerned about the circumstances of her death, as evidenced by the lawsuit her Estate recently filed in the Circuit Court of Cook County, Law Division. That lawsuit is a separate matter with which the Thomas More Society is not involved. Exhibit B).

While normally these violations would be reported to the Illinois Department of Public Health, this and other Planned Parenthood clinics are unlicensed. This means any violations must be investigated by the Illinois Department of Professional Regulation (hereinafter "the Department"). If the Department does not investigate the violations alleged in this complaint, the responsible physician will slip through the cracks with no one in Illinois left to monitor and enforce minimum standards of care to protect the health and safety of women seeking and undergoing abortion procedures.

1. When a doctor assumes responsibility for patient care that he or she is not qualified to deliver, such as performing a late-term abortion in a facility that is not equipped to safely perform the procedure, this must be carefully investigated as a potential violation of the Illinois Administrative Code § 1285.240(a)(1)(C) (promulgated under the Medical Practice Act of 1987):

The website for Planned Parenthood at the time of Ms. Reaves' death stated that the Loop Health Center location at 18 S. Michigan Ave. was "only open for birth control and EC [emergency contraception] pick up on Friday and Saturday" (Exhibit C). (The current version of the website has removed this information. Exhibit D.) The Loop Health Center website at the time of Ms. Reaves' death further recited that the Michigan Avenue clinic only offered the abortion pill (a "medication abortion"). It explained women whose last menstrual period was over nine weeks ago would be given "a referral list of health care providers in [their] area that offer other abortion services" (Exhibit E).

The current version of the website still only offers the abortion pill; it specifically lists the other Planned Parenthood locations where a surgical abortion is available up to 17 weeks (Exhibit F). Ms. Reaves was sixteen weeks pregnant when she received a Dilation and Evacuation (D&E) abortion at the 18 South Michigan Avenue location on Friday, July 20, 2012, according to her autopsy report (Exhibit G). Ms. Reaves thus received an invasive, late-term abortion at a facility that appears to be ill-equipped to handle such procedures, as on the Friday in question the only staff available was responsible for handing out birth control pills to clients and as (according to its website) *never* offers surgical abortions.

These facts raise very serious questions about whether the Michigan Avenue facility 1) had the proper equipment to handle both the procedure Ms. Reaves underwent and any complications which might have arisen from the procedure; 2) had qualified personnel on the date of the abortion to safely complete a surgical abortion; and 3) whether this facility continues to offer abortion services without the personnel, equipment, and other things necessary to protect and preserve the life of women undergoing the surgery.

As with any surgery, we can reasonably assume physicians and others assured her that the surgery was safe and that she would be well taken care of. However, the physician who performed the abortion may well have assumed responsibility for a procedure he or she was “not properly qualified or competent to render” because of the inadequate setting in which the abortion was performed. If this is the case, it would be a violation of Illinois Administrative Code § 1285.240(a)(1)(C), which enumerates certain types of conduct which “constitute[] dishonorable, unethical or unprofessional conduct” including “questioned activities” which may have:

Resulted in assumption by the physician of responsibility for delivery of patient care that the physician was not properly qualified or competent to render[.] § 1285.240(a)(1)(C).

If the physician made a false statement regarding his/her skill as a result of the inadequate facilities or support available for the procedure, this should be held a violation of the Medical Practice Act, 225 ILCS 60/22(A). Under this section:

The Department may revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to the license or permit of any person issued under this Act to practice medicine . . . including imposing fines not to exceed \$10,000 for each violation, upon any of the following grounds:

. . .

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind. 225 ILCS 60/22(A)(10).

The Department has the authority to take decisive action as a result of any misleading statements made during the care of Tonya Reaves. We believe, moreover, that the

Department has a duty to take action in such a case as this to provide adequate safeguards and protection for the women of Illinois.

Indeed, this physician caused actual harm to a patient, resulting in the death of that patient. The Department must take action to investigate whether this harm was a result of dishonorable, unethical, or unprofessional conduct, and thereby violating Illinois Administrative Code § 1285.240(a)(1)(E) (scrutinizing any physician who “[c]aused actual harm to any member of the public” for “dishonorable, unethical or unprofessional conduct”). It is likely this office continues to perform abortions, despite the information it provides on its website. The Department may take action against a physician who is “reasonably likely to cause harm to any member of the public in the future.” Illinois Administrative Code § 1285.240(a)(1)(F). In the absence of an investigation into the death of Ms. Reaves, there is no way to know whether the procedures in place at this office resulted in her death and are likely to injure additional people. The Department must err on the side of caution and perform an investigation when the consequences of the failure to investigate are so high.

2. The multiple hour delay in transporting Ms. Reaves to a hospital likely contributed to her death. The delay in transferring Ms. Reaves to receive lifesaving medical care indicates potential violations of Illinois Administrative Code § 1285.240(a)(1)(D) and/or (a)(2)(D).

Ms. Reaves’ first abortion was performed at approximately 11:00 a.m. She was transferred to Northwestern Memorial Hospital at approximately 4:30 p.m., five and one half hours later (Exhibit G, p. 7). Thus, Ms. Reaves lay in the office for *over five hours* before she was finally transferred to a hospital which was fully equipped to handle emergencies.

Most women who receive abortions stay in recovery less than two hours, making Ms. Reaves’ long recovery time a significant anomaly that should have drawn the attention of the clinic staff. A staff experienced in performing abortion procedures would have been familiar with the typical recovery pattern of a woman who had undergone an abortion and would have recognized she was not recovering properly and required additional medical care. Under Illinois Administrative Code § 1285.240(a)(1)(D), the Department should analyze whether responsibility for the care of Ms. Reaves was delegated by the attending physician to persons “who were not properly supervised or who were not competent to assume such responsibility.”

In the alternate, § 1285.240(a)(2)(D) lists among “questionable activities” a physician’s “failing to properly supervise subordinate[s].” The Department has a responsibility to determine where the breakdown occurred that allowed a woman to languish for over five hours before she was finally transferred to a hospital for proper medical care, after which she died.

Even after a complication was discovered, Planned Parenthood staff never called 911. A Freedom of Information Act request of all 911 calls made from 18 South Michigan Avenue on July 20, 2012, shows that the office made a single phone call to report suspected child abuse against a patient at 12:45 p.m. (Exhibit H). There were no calls made from that building or calls requesting a 911 dispatcher send an ambulance to that address at any time during Ms. Reaves’ five and a half hour “recovery” period.

Indeed her autopsy report appears to indicate she received large quantities of saline solution but no effective medical assistance (Exhibit G, pp. 1-2). This further delay, for wholly unexplained reasons, raises the question of whether Ms. Reaves received adequate care in keeping with the proper standard of care for a patient in an emergency situation.

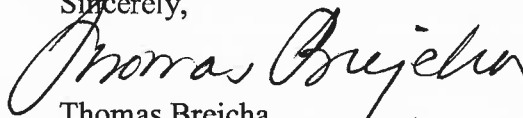
3. Northwestern Memorial Hospital appears to have been inadequately informed of the extent of Ms. Reaves' injuries. Such apparent failure to provide adequate information on transfer of a patient is a violation of the Medical Practice Act, 225 ILCS 60/22(A)(16), "Abandonment of a Patient."

When Ms. Reaves arrived at Northwestern Memorial Hospital she was taken for an ultrasound and resuctioned. The autopsy does not indicate that the doctors initially considered that she might have a uterine perforation, despite the fact that the attending physician at Planned Parenthood would likely have suspected this was the problem, given her profuse bleeding and the statistical likelihood of such an occurrence during an abortion (Exhibit G, p. 7). Only after the hospital performed another abortion—possibly the third abortion of the day, if the physician performed a second one in the five and a half hours between the first reported abortion and the transfer—did the hospital staff notice the buildup of fluid in the abdominal cavity. The hospital staff did not discover the source of the problem until approximately 10:15 p.m., by which point it was too late to save Ms. Reaves' life. All of these details suggest a violation of the Medical Practice Act, 225 ILCS 60/22(A)(16), on the part of the physician upon transfer of this patient to Northwestern Hospital, constituting an abandonment of this patient.

Moreover, the Department should investigate all of the circumstances surrounding the transfer of Ms. Reaves to the hospital, and in particular it should investigate what information the physician had available and whether and to what extent, if any, it did or did not provide this information to the ambulance attendants and the hospital emergency department. The Department should also inquire into how the patient was transported to the hospital, as the physician who signed the death certificate had no firsthand knowledge of how Ms. Reaves was transferred. This information should be available in the Emergency Room log. As the City has no record of any 911 or 311 call made by the clinic regarding this patient (exhibit H), the Department should ensure that Ms. Reaves was transported by an emergency, rather than a private, vehicle in order to ensure she was properly cared for during her transport.

Thus we respectfully request in the public interest that the Department look into the death of Tonya Reaves in order to perform its function of protecting patients from dangerous medical treatments.

Sincerely,



Thomas Brejcha
President & Chief Counsel

Attachments: Exhibits A-H, Medical Practice Act of 1987, Illinois Administrative Code § 1285

cc: Dorsey Johns (mother of Tonya Reaves), 1507 N. Kildare Avenue, Chicago, IL 60651
Pro-Life Action League, 6160 N. Cicero Ave. Ste. 600, Chicago, IL 60646