



February 23, 2015

Via Email (christophersnunn@gmail.com)

Imperial Valley Coalition for Life
c/o Pastor Chris Nunn
Christ Community Church
590 W. Orange Avenue
El Centro, CA 92243

RE: Proposed Transfer Agreement with Planned Parenthood Pacific Southwest

Dear Pastor Nunn:

On behalf of Alliance Defending Freedom, we are pleased to represent you and the citizens of El Centro, CA who make up the Imperial Valley Coalition for Life.

The Imperial Valley Coalition for Life and many other El Centro citizens are justifiably concerned about the possibility that the city owned and operated El Centro Regional Medical Center may enter into a transfer agreement with Planned Parenthood Pacific Southwest, Inc. ("Planned Parenthood") so as to enable Planned Parenthood to comply with California law to open and operate a surgical/chemical abortion facility in El Centro.¹

The Hospital Board of Trustees, as directed by the City Council, has discretion to approve or disapprove the granting of such a transfer agreement based upon what is in the best interests of the City of El Centro and its citizens. Because of the enormous liability potential to the City of El Centro that may result from such an arrangement, we believe that it would be a serious mistake for the City of El Centro and its Hospital Board of Trustees to approve such a transfer agreement.

In this regard, the City of El Centro and its Hospital Board of Trustees must:

- Take into consideration the financial and medical scandals that have plagued Planned Parenthood Affiliates around the country.
- Investigate potential liabilities to the City of El Centro and the El Centro Regional Medical Center in the event of the approval of such a transfer agreement.
- Review liability insurance coverage to be sure it is adequate to meet these potential liabilities.

¹ See 22 CCR § 75047.

- Ensure that Planned Parenthood properly indemnifies the City of El Centro and the El Centro Regional Medical Center from any liability, claim, action, loss, cost, damage or expense that arises from any acts or omissions of Planned Parenthood, as such are likely to occur given the issues with Planned Parenthood facilities across the country.
- Review Planned Parenthood's medical plan, standards, and credentials, including the credentials of Planned Parenthood's staff and doctors and the staffing arrangements that will be in effect at the Planned Parenthood facility, in order to understand what exactly the El Centro Regional Medical Center would be agreeing to accept in the event of the approval of such a transfer agreement, as well as the qualifications (or lack thereof) and history of personnel involved in any care or treatment of potential patients prior to their transfer to El Centro Regional Medical Center.
- Determine the impact it would have on the community and the El Centro Regional Medical Center, specifically included the financial impact of such an agreement.

First, it is vitally important for officials of the City of El Centro and the El Centro Regional Medical Center to know and recognize that Planned Parenthood's primary focus is on the performance of surgical and medical abortions. Our research² demonstrates what Planned Parenthood Federation of America ("PPFA") and its Affiliates like Planned Parenthood Pacific Southwest are really all about, including that:

- Of the nearly 1.2 million abortions performed each year in the United States, PPFA Affiliates, including Planned Parenthood Pacific Southwest, are responsible for approximately one-third.
- \$155.5 million of the non-governmental funding received by PPFA Affiliates, including Planned Parenthood Pacific Southwest, which totals \$404.9 million, is related to abortion services, *i.e.*, 38.4 percent of PPFA's health-related, non-government revenue.
- PPFA spends about \$56 million per year on "public policy" initiatives, *i.e.*, lobbying and efforts to gain access to the children of American parents so as to indoctrinate those children in Planned Parenthood's agenda.
- PPFA's business model (a model which must be replicated by each of its Affiliates, including Planned Parenthood Pacific Southwest) is to create abortion customers by targeting children; leading them to experiment, use contraception, and get STD tests; and then providing them with abortions when they inevitably get pregnant.

² Much of our research may be found at <http://www.adfmedia.org/files/ProfitNoMatterWhatReport.pdf> and <http://www.alliancedefendingfreedom.org/page/planned-parenthood>.

- PPFA (and its Affiliates like Planned Parenthood Pacific Southwest) does not help girls and women make good decisions; rather, it markets dangerous behavior and profits from the tragic, but completely avoidable consequences of such behavior.
- Planned Parenthood focuses on population control efforts, particularly in low income and minority communities. In one filed tax return, Planned Parenthood stated as part of their mission statement that they are committed to “a U.S. population of stable size in an optimum environment.”³ These population control efforts are squarely aimed at Black and Hispanic communities.⁴

What PPFA (and its Affiliates like Planned Parenthood Pacific Southwest) does do, and does very well, is promote risky sexual behavior to young people, enforce abortion quotas within its Affiliates to increase bottom line profits, put women’s health at risk, and waste and abuse taxpayer dollars.

There are 64 PPFA Affiliates in the United States - Planned Parenthood Pacific Southwest is one of those Affiliates.⁵ PPFA maintains strict control over all the operations, activities, programs, services, and pronouncements of each of its Affiliates. Pursuant to PPFA’s bylaws⁶, among other things, PPFA Affiliates (like Planned Parenthood Pacific Southwest) must: (a) “conform[] to the purposes, written policies and standards of PPFA”; (b) “develop a program to further those purposes and policies”; (c) “provide services consistent with the purposes of PPFA”; and (d) financially support PPFA. For example, since 2013, PPFA has mandated that all of its Affiliates must provide abortions.⁷ Planned Parenthood further imposes abortion quotas on its facilities.⁸

While PPFA and its Affiliates represent themselves to be health care operations concerned primarily with the well-being of women, the organization’s own numbers present a dramatically different picture. According to the most recently released annual report from PPFA, in FY 2013, Planned Parenthood Affiliates performed 327,653 abortions. That equates to one abortion every 96 seconds. These numbers, all reported by PPFA on behalf of its Affiliates, make it indisputable

³ See Planned Parenthood Federation of America, Inc., 2008 Income Tax Return, available at http://www.plannedparenthood.org/files/PPFA/PPFA_FY09_Form_990_Copy_for_Public_Inspection.PDF.

⁴ See <http://www.lifenews.com/2012/10/16/79-of-planned-parenthood-abortion-clinics-target-blacks-hispanics/>.

⁵ See <http://www.plannedparenthood.org/about-us/who-we-are-4648.htm>.

⁶ Amended and Restated Bylaws of the Planned Parenthood Federation of America, Inc. As Amended by the Membership at Its Meeting on March 29, 2008, Article XI.

⁷ See, e.g., <http://nysrighttolife.org/planned-parenthood-fast-facts>; “P. Parenthood: affiliates must do abortions,” January 12, 2011, http://townhall.com/news/religion/2011/01/12/p_parenthood_affiliates_must_do_abortions.

⁸ See, e.g., <http://www.abortionworker.com/worker/abortion-quotas/>; <http://www.lifenews.com/2014/07/18/planned-parenthood-confirms-it-gave-clinic-award-for-killing-more-babies-in-abortions/>; <http://www.kbtv.com/news/local/headlines/Former-Planned-Parenthood-Director-Claims-to-have-Proof-of-Abortion-Quotas-268528172.html>.

that the primary business of PPFa and its Affiliates, including Planned Parenthood Pacific Southwest, is abortion. Indeed, abortions constituted ninety-four percent (94%) of Planned Parenthood Affiliates' pregnancy services. In contrast, prenatal care and adoption referrals accounted for only 5% (18,684) of all services provided and 0.5% (1,880) of all services provided.⁹

Moreover, the abortions that constitute 94% of Planned Parenthood's pregnancy services are anything but safe. In July 2012, 24-year-old mother Tonya Reaves died as a result of an abortion performed at a Chicago Planned Parenthood facility.¹⁰ She had suffered a perforation of her uterus during the abortion and was bleeding internally; the Planned Parenthood abortionist waited over five hours before calling for an ambulance and transfer to a hospital. By that point, it was too late, and Reaves died from massive blood loss. The tragedy resulted in a lawsuit against Planned Parenthood of Illinois and Northwestern Memorial Hospital (where Ms. Reaves was transferred), and *ultimately lead to a \$2 million settlement*.¹¹

In November 2014, an abortionist at Planned Parenthood facility in Salem, Oregon, did not delay so long in alerting 911, but did attempt to conceal the severity of the patient's abortion injury – perforation of the uterus, the same injury that had killed Reaves – and said that the patient was “fine.”¹² These are just a few examples of botched abortions that have occurred at Planned Parenthood facilities across the country.¹³

It is no surprise to hear reports of botched abortions at Planned Parenthood facilities, given the unsanitary conditions that have been well-documented. For example, a St. Louis Planned Parenthood received an inspection report from the Missouri Department of Health and Senior Services with 14 pages of violations, including: violations of infection prevention protocols; rusty surgical tables, suction abortion machines, IV stands, and other equipment; “copious amounts of dust” in surgical rooms and on equipment; hiring individuals without performing a mandated search of the Employee Disqualification List; retained left-over drugs that were supposed to be destroyed after a single use; lack of appropriate drug-handling policies; expired drugs; and expired postpartum balloons used to reduce hemorrhage after abortion. The facility responded with excuses for the *twenty-five* emergency patient hospitalizations since June 2009.¹⁴

⁹ PPFa 2013-2014 Annual Report, pp. 17-18.

¹⁰ See <http://www.operationrescue.org/archives/planned-parenthood-abortionist-evaded-blame-shifted-in-death-of-tonya-reaves-deposition-shows/>.

¹¹ <http://www.lifenews.com/2014/02/07/planned-parenthood-pays-2-million-settlement-after-killing-black-teen-in-abortion/>

¹² See <http://www.operationrescue.org/archives/abortionist-places-bizarre-911-call-with-shocking-ending/>.

¹³ See, e.g., <http://www.lifenews.com/2013/04/10/planned-parenthood-closed-investigated-for-botched-abortions/>.

¹⁴ See <http://www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/>.

Many more hospitalizations, appalling inspection reports, and failure to meet standards have taken place nationwide, including in Alabama, Delaware, New Jersey, Texas, and Virginia.¹⁵ Lawsuits have been brought by patients and survivors, including Roberta Clarke in Alabama¹⁶ and the family of Tonya Reaves in Illinois, as described above.¹⁷ Moreover, according to Operation Rescue (see attached), during the last few years, Planned Parenthood representatives have been forced to call 911 for an ambulance to transport an injured abortion patient to the local hospital.

Yet Planned Parenthood opposes common-sense measures to protect girls and women, including health and safety measures, mandatory sexual abuse reporting requirements, and parental notification or consent laws, which they regularly challenge all the way to the United States Supreme Court.¹⁸

In addition, PPFAs Affiliates have been linked to substantial financial waste, abuse, and potential fraud, particularly with respect to federal and state Title XIX-Medicaid reimbursements. Our analysis of publicly available audits indicate that PPFAs Affiliates are engaged in a pattern of practices designed to maximize revenues from complex, well-funded federal and state programs that are understaffed and rely on the integrity of the provider for program compliance.

Alliance Defending Freedom's July 23, 2014, report to Congress¹⁹ concluded that improper practices by Planned Parenthood Affiliates and state "family planning" programs have already resulted in more than \$119.6 million, as a minimum, in waste, abuse, and potential fraud in Title XIX-Medicaid programs. This figure is supported by a recent U.S. Government Accountability Office (GAO) report estimating that \$14.4 billion of federal Medicaid expenditures for fiscal year 2013 were improper payments.²⁰ Thankfully, members of Congress have begun to take notice of Planned Parenthood's conduct. On February 21, 2013, a letter from Representative Diane Black and Representative Pete Olson, signed by seventy other Members of Congress, was directed to the Comptroller General of the United States requesting that the U.S. Government

¹⁵ See <http://www.sba-list.org/negligence>; <https://familyfoundation.org/2012/09/breaking-news-fetal-remains-blood-found-in-virginia-abortion-center/>.

¹⁶ See <http://abortiondocs.org/wp-content/uploads/2012/09/Clark-v.-PPUmoren1.pdf>.

¹⁷ See <http://www.operationrescue.org/archives/planned-parenthood-abortionist-evaded-blame-shifted-in-death-of-tonya-reaves-deposition-shows/>.

¹⁸ See Dr. Helen Alvare, op-ed, "Note to Congress: Planned Parenthood is Not a 'Women's Health' Organization," *Weekly Standard*, April 6, 2011, available at http://www.weeklystandard.com/blogs/note-congress-planned-parenthood-not-womens-health-organization_556891.html.

¹⁹ Alliance Defending Freedom's report may be found at <http://www.adfmedia.org/files/ProfitNoMatterWhatReport.pdf>.

²⁰ U.S. GOVERNMENT ACCOUNTABILITY OFFICE, *MEDICAID PROGRAM INTEGRITY: INCREASED OVERSIGHT NEEDED TO ENSURE INTEGRITY OF GROWING MANAGED CARE EXPENDITURES* (GAO-14-341) (2014), at 2 (citing a figure calculated by the Centers for Medicare & Medicaid Services (CMS), the federal agency within the Department of Health and Human Services (HHS) that oversees Medicaid).

Accountability Office (GAO) conduct a comprehensive audit of the receipt and use of federal taxpayer dollars – more than \$528.4 million in FY 2014 – by Planned Parenthood Federation of America and its related entities. On August 5, 2013, Members of Congress announced that GAO had accepted the request and opened an investigation into Planned Parenthood, the Guttmacher Institute, and other prominent “family planning” organizations. Coincidentally, shortly thereafter Planned Parenthood agreed to pay \$4.3 million to settle a civil lawsuit that alleged fraudulently billing of Medicaid in Texas.²¹

Importantly, not all of the allegations relating to issues with Planned Parenthood have come from external sources. Seven former Planned Parenthood employees, including clinic directors and an “abortion doctor,” wrote to the U.S. House Energy and Commerce Committee supporting an investigation, “not only . . . with respect to the use of tax dollars but also . . . to serve the best interest of women”²² In addition to attesting to their knowledge of Planned Parenthood’s use of abortion as a method of family planning, biased abortion counseling, and failure to report statutory rape, coerced abortion, and human trafficking, these seven former Planned Parenthood employees stated that “PPFA failed to properly account for and maintain separation between government funds prohibited from use for elective abortions and [other, unrestricted] funds” Further, “PPFA failed to engage in appropriate financial controls and billing practices to ensure compliance with applicable state and federal laws.” The former employees expressed concern that the “American people . . . are underwriting the growth of Planned Parenthood and its potent outreach to the young and the poor,” even as the organization acted and “operated as a law unto itself . . . exempt[] from the normal standards of accountability”

According to these individuals, it is Planned Parenthood’s practice to refer patients with post-abortion medical complications to a local hospital emergency room rather than treat these patients at the abortion clinic. That is primarily because doctors are not usually on duty at a Planned Parenthood clinic except on those days on which abortions are performed. In addition, these individuals have informed us that, because many of Planned Parenthood’s clinics are low-income individuals, Planned Parenthood advises such clients with post-abortion complications to inform the emergency room personnel that the client has experienced a miscarriage so as to cover up the potential of litigation for a botched abortion and also to enable the client to qualify for Medicaid coverage.

²¹See Nathan Koppel, *Planned Parenthood Settles in Fraud Case*, THE WALL STREET JOURNAL, August 16, 2013, available at <http://www.wsj.com/articles/SB10001424127887323455104579016951262314732>.

²² Letter from Catherine Adair et al., former employees of Planned Parenthood Affiliates, to Fred Upton, Chairman, U.S. House of Representatives Energy and Commerce Committee, & Henry Waxman, Ranking Member, U.S. House of Representatives Energy and Commerce Committee (Dec. 7, 2011) (on file with Alliance Defending Freedom and available at http://www.sba-list.org/sites/default/files/content/shared/12.7.11_former_employees_of_planned_parenthood_letter_to_congress_0.pdf).

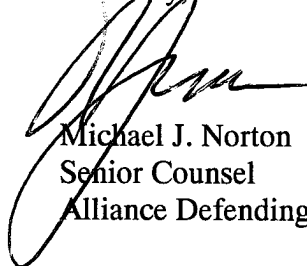
What Planned Parenthood Pacific Southwest is seeking to do is to gain access to a new market in El Centro, California to promote its substandard medicine and its profit-making abortion machine and then, by virtue of a transfer agreement with the El Centro Regional Medical Center, avoid its continuity of care obligations owed to its abortion clients. Allowing Planned Parenthood Pacific Southwest such access to El Centro, California residents will only facilitate the pro-abortion goals and objectives of PPFA and its Affiliates like Planned Parenthood Pacific Southwest and “transfer” liability for botched abortions from Planned Parenthood to the citizens of El Centro, CA.

It is evident that executing a transfer agreement with Planned Parenthood Pacific Southwest would expose the citizens of the City of El Centro, CA and the El Centro Regional Medical Center to dramatically increased litigation and liabilities and require, at the least, increased, but perhaps inadequate, liability insurance. Additionally, if a transfer agreement is granted despite the ample body of evidence cautioning against it, the City of El Centro and El Centro Regional Medical Center can expect litigation to be commenced by those who seek to prevent the scourge of Planned Parenthood in their community.

We understand that Planned Parenthood or its allies have threatened to sue the City of El Centro, CA and the El Centro Regional Medical Center should the Hospital Board of Trustees and/or the City Council decide that it is in the best interests of the citizens of El Centro to decline to enter into a transfer agreement with Planned Parenthood. First, it is our opinion that, in the exercise of its discretion to represent the best interests of the citizens of El Centro and to protect the City of El Centro and the El Centro Regional Medical Center from dramatically increased litigation and liabilities, such a lawsuit would fail. Secondly, in the event of such litigation, Alliance Defending Freedom and/or its Allied Attorneys would be honored to defend the City of El Centro and the El Centro Regional Medical Center, on pro bono basis (*i.e.*, no charge for attorney’s fees) against any such litigation.

If you have questions or wish more information, do not hesitate to let us know.

Sincerely



Michael J. Norton
Senior Counsel
Alliance Defending Freedom

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ALLIANCE DEFENDING FREEDOM

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Enclosure

“Profit. No Matter What” - ADF report on Planned Parenthood audits
Operation Rescue 911 Ambulance Reports