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LIFE: AT THE HEART OF THE LAW

September 19, 2012

Alabama Department of Public Health
The RSA Tower
201 Monroe Street
Montgomery, Alabama 36104
334-206-5300

RE: Planned Parenthood of Birmingham

To the Alabama Department of Public Health:

This is a complaint regarding the Planned Parenthood of Birmingham (hereafter PPB) abortion facility, in Jefferson County, Alabama, which was responsible for a botched ectopic pregnancy abortion on August 20, 2010. From January 2010 until January 2011 PPB was put on probation by the Alabama Department of Public Health (ADPH) for non-reporting of potential statutory rape, among other things. During the probation period, ADPH was responsible for conducting on-site inspections of the business to ensure full regulatory compliance with State Board of Health Rules for Abortion or Reproductive Health Centers.

Aqua Don E. Umoren, M.D., who most often does abortions at AWCRA in Huntsville, AL, has been recognized as the abortionist involved in this case. Umoren is being sued individually and in his official capacity as a physician agent.

It has come to our attention, that during the January 2010 to January 2011 period that PPB was on ADPH probation, PPB was negligent in failing to detect the ectopic pregnancy of Roberta Clark when she procured an abortion on August 20, 2010:

- 1) the ultrasound technician failed to note or document that her uterus was empty;
- 2) Aqua-don Umoren M.D. purportedly conducted a pelvic examination during which he should have observed that she did not have an intrauterine pregnancy, yet his records show that he failed to detect the empty uterus;
- 3) Umoren ignored the fact that no fetal parts were present in the aborted material;
- 4) Planned Parenthood of Birmingham failed to note the Pathology Lab Report that stated no fetal parts were present, and Planned Parenthood of Birmingham failed to notify the woman of this dangerous situation.

A civil lawsuit has been filed on behalf of Ms. Clark which seeks damages before a trial by jury: CV201201045, Jefferson County Circuit Court, Roberta Clark v. Planned Parenthood of Georgia, Inc et al, was filed in August 2012. This medical malpractice case, filed August 9, 2012, is seeking monetary award. Planned Parenthood is expected to complete questions contained in the initial lawsuit, as part of the discovery process.

According to the complaint, plaintiff, Roberta Clark, had an ectopic pregnancy, which was misdiagnosed. It caused "physical bodily injuries, pain and suffering, psychological damages and emotional distress to the plaintiff".

Ms. Clark first came to Planned Parenthood in Birmingham on August 10, 2010 for "pregnancy testing, evaluation, and termination of pregnancy." According to the complaint, on August 20, 2010, the ultrasound showed "estimated fetal gestational age of 8 weeks 4 days." There is no way that an adequately trained ultrasound technician would have detected an intrauterine pregnancy in Ms. Clark. It apparent that the ultrasound technician was improperly trained and/or falsified records in order to justify performing the abortion on Ms. Clark and taking her money.

Following the ultrasound, "plaintiff underwent a suction curettage procedure to terminate plaintiff's pregnancy." "The suction curettage procedure was performed by Dr. E Umoren at defendants' Planned Parenthood clinic in Birmingham Alabama." "...Dr Umoren knew or should have known that suction curettage procedure did not result in termination of plaintiff's pregnancy and that plaintiff was still pregnant after the procedure because no fetal tissue was identified in tissue specimen sent to pathology on August 20, 2010." Additionally, "... plaintiff continued to have bleeding accompanied with nausea, vomiting and lower quadrant pain" after the suction curettage procedure.

"On September 14, 2010, plaintiff presented to emergency department of BMC Princeton Medical Center in Birmingham Alabama with complaints of nausea, vomiting and left lower quadrant pain... following physical examination and ultrasound exam at the emergency department of BMC Princeton Medical Center, the ultrasound showed evidence of a 13-week gestation that was extra-uterine involving left adnexa (fallopian tube), this finding prompted emergency admission of plaintiff for surgical intervention, pain management and treatments."

"On September 15, 2010, at BMC-Princeton... plaintiff underwent a laparoscopy with conversion to laparotomy in which plaintiff's left tube was removed with the 13-week fetus and placenta."

The plaintiff notes suffering the following adverse effects: "ruptured fallopian tube as a result of ectopic pregnancy, hospitalization to undergo painful surgical operations to treat ruptured ectopic pregnancy which said operations included laparoscopy with conversion to laparotomy with left salpingectomy, lysis of pelvic adhesions, removal of a 13-week extrauterine pregnancy and placement of a Jackson-Pratt drain, Loss of tube resulting in infertility, bleeding, vomiting, nausea, physical pain, mental anguish and emotional distress, medical expenses, loss of time and wages, other unliquidated damages."

Based on his total incompetence to identify this ectopic pregnancy -- which could have led to the demise of Ms. Clark -- we also call upon the ADPH and the ALBME to investigate Aquadon Umoren and revoke his medical license in the State of Alabama.

We also have knowledge of a second woman, Shemeka, who procured an abortion at Planned Parenthood of Birmingham on June 21, 2010. This botched abortion also took place during the ADPH probationary period of January 2010 – January 2011.

We are not aware of the name of the abortion provider for Shemeka's case. After failing to abort the child surgically, a medication abortion was performed. The health of Shemeka continued to decline, so that she lost her job because of absence, and then lost her car. Eventually, she returned to PPB, which failed to offer her any help. Volunteers on the sidewalk suggested she go to the ER, and took her there. The ER found a dead fetus, and Shemeka was almost presenting with septicemia. Later, Shemeka wrote a statement describing this entire ordeal, which the sidewalk volunteer witnessed.

This Complaint also calls for immediate investigation into all the records of Planned Parenthood of Birmingham to identify other women harmed, and to identify staff who work/worked at PPB who are/were poorly trained, uncertified, and/or incompetent to perform their duties correctly.

While Planned Parenthood tries to portray itself as a business concerned about women's health, the primary "service" they perform is abortion. They do not perform mammograms; they rarely refer for adoption; they perform minimal STD testing. They charge rather excessive fees for pregnancy tests, ultrasounds, and chemical birth control.

This Complaint further calls upon ADPH to revoke the license of PPB to perform surgical and medical/medication abortions, and to permanently close this abortion facility, because its other services can easily be provided at county and other health facilities in the area.

Very truly yours,

Allison K. Aranda
Senior Staff Counsel

On behalf of:

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