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## **Anti-abortion group targets doctor; some call it witch hunt**

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Dr. Douglas Karpen, say other Texas abortion providers, keeps his distance from them.

By Mike Tolson

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In the never-ending war over legal abortion, the front lines don't stay front for long. Case in point: Philadelphia abortionist Kermit Gosnell, who dominated the anti-abortion airwaves during his murder trial, then quickly was supplanted by a Houston doctor following Gosnell's conviction last month.

The prison cell had barely slammed shut on Gosnell when abortion foes directed attention to Douglas Karpen, who they claim operates a similar "house of horrors" abortion mill in Texas. "Another Gosnell," claimed Operation Rescue, which published a website expose on the clinics run by Karpen, an osteopath and longtime local clinic owner who is one of the few abortion providers in Texas who will perform late-term procedures.

No weapon better suits the anti-abortion cause than an irrefutable villain, and as far as its adherents are concerned, Karpen more than fits the bill. Gosnell was convicted of murdering three babies born alive - confirming claims that he did abortions well past the legal gestational limit - and Karpen is accused by the group of doing likewise.

Abortion-rights advocates insist the accusations are little more than old wine in a new bottle. They point to a recent thorough review by the Texas Medical Board - the state's physician licensing and oversight agency - that cleared Karpen of any violation of medical standards.

"You have to consider the source and the motivations," said Amy Hagstrom Miller, who owns several abortion clinics around the state and was once a target of Operation Rescue accusations herself. "You have to know this is a political tool with an agenda. They are big-time bullies."

### ***Troubling allegations***

Karpen's legal history includes a half dozen medical malpractice and negligence lawsuits arising from his work at the clinics. Those suits, which were reviewed by the Chronicle, include troubling allegations of a woman's death caused by a botched abortion as well as allegations of a late-term procedure that went awry, with a baby being born and living for six months before dying.

Operation Rescue - founded by abortion opponent Randall Terry but no longer connected to him - claims the lawsuits paint a picture of an enterprise that at the very least placed profit over patient welfare. But it says the most compelling evidence of a "Texas Gosnell" - the name it bestowed on a sensational website about Karpen - is the videotaped assertions of three former employees and a series of gruesome photographs of mangled and well-developed fetuses. This is proof that laws were broken, asserts the organization, which also assails state agencies for allowing Karpen to operate with impunity for decades.

"I've got evidence that this is going on all over the country, and this is the first guy I'm going after," Operation Rescue president Troy Newman told the Chronicle.

Responding to the Operation Rescue report, Lt. Gov. David Dewhurst wasted no time in joining the fray, even though the Texas Medical Board recently looked into complaints made by the anti-abortion group and found no evidence that Karpen had violated any standards of medical practice.

"I read with disgust about the allegations of ... Karpen performing illegal late-term abortions surrounded by appalling sanitary conditions in his clinic," Dewhurst said in a prepared statement. "The Harris County authorities should perform a full-scale investigation and take action against those who broke state law."

### ***Harassment tactics?***

The Harris County District Attorney's office said it will have "several people" look into the claims. The State Department of Health Services said it will do likewise, calling its investigation "a very high priority." A group of 20 Texas legislators sent a letter last week to the Texas Medical Board asking that it investigate Karpen again in light of the allegations made by the former employees, calling their claims "disturbing, to say the least."

Whether Karpen or other doctors employed by his clinics broke the law will not be known until the investigations are completed. Karpen did not return calls from the Chronicle. However, other abortion-rights advocates and providers said Operation Rescue's claims, as well as those made by former employees of his clinics, should be viewed as nothing more than harassment tactics that are part of a nationwide campaign against abortion providers. They also point out that Operation Rescue pays "whistle-blowers" \$25,000 if information they provide leads to a criminal conviction of an abortion provider.

"There's no level too low that this group will not stoop to in its harassment of abortion providers, including violence," said Heather Busby, executive director of NARAL ProChoice Texas, a leading abortion rights advocacy group. "This is a witch hunt, plain and simple, from disgruntled former employees."

### ***Falsified ultrasounds?***

In a video posted on an Operation Rescue website, the three women who once worked for Karpen accuse him of routinely performing abortions later than the law allows and then ending the life of the fetus once it was removed from the patient's body.

They also accuse the clinic of falsifying ultrasound results to indicate an abortion would be legal; concealing logs from inspectors; failing to keep instruments sterilized; exaggerating the age of a fetus in order to get a higher fee; and improperly disposing of medical waste. Because of intense media interest in the allegations as well as the ongoing legal investigations, the women are not available for interviews, Newman said.

A change in state law in 2003 required that any pregnancy termination after 16 weeks be done in an ambulatory surgical center. Karpen operates one of the few in Houston. And while abortion foes do not believe there is any such thing as a "good" abortion doctor, those who will terminate pregnancies at the last legal minute - and possibly beyond - draw more ferocious fire.

Other Texas abortion providers say that Karpen is distant from the mostly tight-knit Texas community of clinic owners and is not seen at statewide provider meetings or national conferences. They also say he is not a member of the National Abortion Federation, an industry group that promotes standards and best practices and requires inspection of clinics before membership is accepted.

Amy Miller, the founder of Whole Woman's Health, which operates five clinics in Texas, said the fact that Karpen is not widely known to his counterparts around the state is not in itself evidence of a shady operation. It may raise questions, she said, but the heavy scrutiny of Texas abortion providers makes a doctor operating like Gosnell unlikely.

"In Texas, we have very stringent regulations of abortion clinics," Miller said. "It is completely different in Pennsylvania. The Texas Department of State Health services make a surprise inspection once a year. There are regulations he has to uphold in order to maintain his license. I suggest we use the system already in place (to investigate Karpen). We don't need a huge attorney general investigation or something like that. And you have to consider the source and the motivations. You have to know it is a political tool with an agenda."

### ***Minor used fake ID***

Although late-term abortions are performed safely every day, they also present more opportunities for complications. Several of the lawsuits brought against Karpen involved such procedures.

In 1989, the parents of Denise Montoya sued Karpen after their 15-year-old daughter got an abortion from Karpen and died. She had been 25 1/2 weeks pregnant, the parents' lawsuit said, but they had been assured the pregnancy could be terminated safely. Montoya began to bleed heavily after the procedure and was rushed to Ben Taub Hospital, where she later died.

In 1991, Peggy Cormier sued Karpen on behalf of her minor daughter, who went to Karpen for a late-term abortion and then changed her mind after beginning the process of termination. The

lawsuit alleges that Karpen became hostile and refused to attempt to reverse the procedure or refer her to another doctor. Cormier's daughter eventually went to St. Joseph Hospital and delivered a baby weighing 1 pound, 13 ounces, who died six months later.

Quinnetta Dugas sued Karpen in 1995, alleging that he had perforated her cervix during a late-term abortion. Dugas also alleged that she believed she was later in her pregnancy than the 24 weeks Karpen purportedly had told her. Dugas was bleeding heavily after the abortion and was taken to LBJ Hospital, where she underwent an emergency hysterectomy, according to the lawsuit.

A lawsuit brought by Cherise Mosley and her father brought Karpen to the public's eye when he was sued for performing an abortion on a minor who used a fake ID to establish that she was 18, a legal requirement at the time. Mosley contended the ID card, obtained from a grocery store, obviously was not legitimate. A jury found Karpen only 10 percent negligent and Mosley received no money.

Unlike that case, the disposition of all the lawsuits against Karpen is not always clear from available court records. Some obviously were settled, and some apparently were found in Karpen's favor.