

Complaint Narrative – Aqua Don E. Umoren

Roberta Clark presented to the Planned Parenthood of Birmingham office on August 20, 2010, for what she thought would be a routine first-trimester abortion by Aqua Don E. Umoren. However, Clark actually was suffering from an ectopic pregnancy that was not detected due to Umoren's incompetence and negligence. Because of that, Clark suffered a ruptured fallopian tube, emergency surgery, and infertility.

Clark filed a civil suit against Umoren and Planned Parenthood in Jefferson County Court on August 9, 2012. It is primarily that court document, along with information contained in documents obtained from the Alabama Department of Public Health, that serve as a basis for this complaint.

Umoren was employed by Planned Parenthood of Birmingham to provide abortions and is licensed to practice medicine in Alabama. His primary state of residence is California, where he is also licensed to practice medicine.

At the time of Clark's abortion, Planned Parenthood of Birmingham was serving a one-year probationary term for violations of the Alabama Child Abuse Reporting Act and other deficiencies.

Details of Clark's Incident

On August 20, 2012, Clark reported to Planned Parenthood for an abortion. She was given a pregnancy test that staff interpreted to show a positive result.

Clark was then given an ultrasound examination. The ultrasound tech lacked proper training and skill. She interpreted the ultrasound to show an intrauterine pregnancy of 8 weeks, 4 days gestation, when in fact, Ms. Clark's uterus was empty and her pregnancy dangerously grew in one of her fallopian tubes.

Umoren noted on Clark's chart that he conducted a pelvic examination and also determined that Clark had an intrauterine pregnancy of 8 weeks, 4 days gestation.

There are only three reasons why Umoren would make such a notation.

1. He falsified Clark's chart to indicate a pelvic exam that never took place.
2. He was incompetent to properly evaluate the results of his pelvic exam.
3. He was intentionally deceptive and gave Clark an abortion when he knew from his manual exam that no pregnancy was present.

In any of those three cases, Umoren violated the standard of patient care and jeopardized the life and health of his patient.

Umoren conducted a suction curettage abortion on Clark. Samples from the abortion were submitted for pathological examination that same day. No fetal remains were found in the samples submitted by Umoren.

Umoren negligently failed to notify Clark that her pregnancy had not been aborted. He negligently failed to inform Clark of the possibility that she suffered an ectopic pregnancy. He failed to refer her for further care.

Umoren failed to provide follow up care for Clark. She continued to suffer from nausea, vomiting, and lower quadrant abdominal pain, unaware of her life-threatening condition.

Twenty-five days after Umoren inflicted a negligent abortion on her, Clark reported to the Emergency Room at the University of Alabama Birmingham Hospital. She underwent emergency surgery to remove a ruptured fallopian tube that contained a 13-week growing fetus and placenta. She further required treatment with a Jackson-Pratt drain. As a result, Clark has become infertile.

Umoren was incompetent and negligent in his care of Clark. Because of his actions, she can never bear another child and has suffered pain and anguish.

Umoren failed to ensure that the staff that provided care for Clark were properly trained and he failed to ensure that patients received proper post-operative and follow-up instructions.

Submitted with this complaint are two ADPH Deficiency Statements. One was dated on October 15, 2009, prior to Clark's abortion. The second is dated July 28, 2011, after Clark's abortion. They show a pattern of disregard for the law and repeated violations of the Health Rules to which they must comply.

The Deficiency Statement dated October 15, 2009, included the following deficiencies:

- Repeated violations of the Alabama parental consent statute for minor abortions.
- Failed to have policy or procedures for verifying parental consent.
- Failed to report suspected child abuse or neglect of a minor child.
- Failed to have any policies or procedures for reporting statutory rape or other abuse of minors.
- Failure to properly document post-operative infections.
- Failure to maintain on-call log book entries.
- Failure to properly maintain surgical equipment, i.e. two suction abortion machines.
- Failed to maintain a comfortable clinic temperature (air conditioner not working).
- Improper disposal of needles.

Umoren failed to insure that there was compliance with laws regarding child abuse reporting and parental consent as it related to his patients.

The second Deficiency Statement dated July 28, 2011, included the following deficiencies:

- Failure to ensure that patient discharge orders were signed by the physician in 28 cases.
- Failure to insure that all patients received discharge instructions in 28 cases.
- Failure to ensure there were no expired supplies. Drugs were beyond their expiration dates.
- Failure to document where patients were referred to if not treated. This was directly related to shoddy record-keeping by the physician, presumably Umoren.
- Failure to document time and location of Rhogam shots and in some cases, failing to document whether the patients with Rh negative blood types received the shots at all.

These deficiencies speak to serious violations of the standard of patient care. Perhaps if Ms. Clark had received proper discharge instructions and follow up, she would not have suffered from a life-threatening ruptured fallopian tube. Umoren failed to insure that his patient's conditions were properly

documented, that they were given proper discharge instructions, that they were not given expired drugs, and that his Rh negative patients received the proper Rhogam shots in a timely manner.

Part of the issue may be that Umoren flies in from California to provide abortions at Planned Parenthood on a part-time basis. He is not around to provide care in the event of complications. This seriously diminishes his ability to provide continuity of care and proper follow up. He flies in, then flies out, and leaves the consequences of his negligence for others to clean up.

In all, Umoren's conduct presents a serious danger to the lives and health of his patients. I ask for a complete investigation into Umoren's medical practices in Alabama and that the Board take what every disciplinary action is necessary, including license revocation, to insure that the public is protected from Umoren's shoddy business practices.

Attachments:

1. [ADPH v. Planned Parenthood of Alabama Consent Agreement, Case No. 09-0229](#)
2. [Clark v. Planned Parenthood, Umoren, Civil Action No. CV201201045](#)
3. [ADPH Deficiency Statement for Planned Parenthood, Birmingham, October 15, 2009](#)
4. [ADPH Deficiency Statement for Planned Parenthood, Birmingham, July 28, 2011](#)