



STATE OF WEST VIRGINIA
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June 17, 2013

Rodney Stephens, M.D.
Women's Health Center of West Virginia
510 Washington Street, West
Charleston, WV 25302

Dear Dr. Rodney Stephens,

Recent events, including the crimes committed at Dr. Kermit Gosnell's "house of horrors" abortion clinic in Philadelphia, have made very clear the importance of effective regulation of abortion clinics. Convicted of three counts of first-degree murder for the deaths of three babies, Gosnell was found to have routinely induced the delivery of infants who Gosnell or his unlicensed, untrained staff then killed by cutting their spinal cords with scissors. Even more tragic, the grand jury that recommended criminal charges found that Gosnell's crimes could have been prevented if various state and city regulatory agencies had properly enforced the law. The National Abortion Federation (NAF), which self-regulates member abortion clinics, did inspect Gosnell's clinic when he applied for membership. However, although NAF refused to certify Gosnell's clinic, it did not notify Pennsylvania authorities of the clinic's numerous health and safety violations.

In West Virginia, a recently filed lawsuit against the Women's Health Center of West Virginia, Inc. and Dr. Rodney Lee Stephens has similarly raised concerns about the existence and enforcement of abortion regulations. Itai Gravely, a former patient at the Women's Health Center of West Virginia, claims that Dr. Stephens failed to adequately anesthetize her, ignored her instructions to stop an abortion procedure, physically restrained her in order to complete the procedure, and then failed to remove all parts of the fetus from her uterus. Ms. Gravely alleges medical professional negligence; battery; uninformed consent; false imprisonment; extreme and outrageous conduct, emotional distress; and breach of contract.

Importantly, Ms. Gravely's lawsuit has revealed potential gaps in West Virginia's regulation of abortion clinics. According to a June 10, 2013 article in the Charleston Daily Mail, Marsha Dadisman, spokeswoman for the state Department of Health and Human Services,

stated, “There is no state agency that specifically inspects clinics or facilities that perform abortion.” In fact, abortion clinics in West Virginia are neither licensed nor regulated by the State. The Women’s Health Center of West Virginia is a member of NAF; however, in light of the Gosnell case, we are concerned that NAF should not be the sole entity responsible for providing for the safety of patients at abortion clinics.

As the chief legal officer for the State of West Virginia, I am particularly interested in the state of abortion regulation in West Virginia. What exactly happened to Ms. Gravely must still be investigated and resolved in court, but it is clear that larger questions about abortion regulation may also need to be addressed. No one wants crimes similar to Gosnell’s to be committed in West Virginia. To this end, I ask that you provide answers to the following questions in writing, which will allow my Office to better assess the state of abortion regulation in West Virginia and to evaluate the need for greater regulatory action.

1. How often is your abortion clinic inspected by the State or a self-regulatory body?
2. What is your understanding of your responsibilities with respect to state abortion laws and regulations?
 - a. How do you educate abortion providers regarding these laws and regulations?
 - b. How do you ensure compliance with these laws and regulations?
3. Do you have a compliance plan outlining best practices for complying with all relevant federal, state, and local laws? If so:
 - a. How often is this plan updated?
 - b. How often do you perform spot audits to verify adherence to compliance procedures?
 - c. How often are your employees, if at all, in violation of any of the terms of your compliance program? Please provide details related to any of the specific violations.
4. What is your relationship to the National Abortion Federation? Please describe your financial ties, if any, with NAF, including any fees or monies that may be exchanged between your organization and NAF.
5. Please provide answers to the following questions regarding your elective abortion procedures:
 - a. What types of elective abortion procedures do you perform?
 - b. At what gestational age do you refuse to perform an elective abortion procedure?
 - c. What are your policies with respect to informed consent?
 - d. What are your policies should a patient revoke consent at any point before or during the procedure?
 - e. What are your policies with respect to preferred methods of performing abortion procedures? For example, are your physicians required to use ultrasound technology when performing a dilation and curettage procedure for a midterm pregnancy?

- f. How do your physicians determine the type and appropriate amount of anesthesia to administer to each patient?
- g. What policies do you have in place to ensure the full recovery of your patients?

We ask that you provide the requested information as soon as possible, but no later than 5:00 P.M. on July 1st. Thank you in advance for your cooperation in this important matter. Please contact our Chief Counsel, Dan Greear, if you have any questions.

Sincerely,



Patrick Morrissey
Attorney General