



DEFENDING THE DEFENDERS OF LIFE

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Alabama Department of Public Health

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Sent via email

RE: West Alabama Women's Center

Dear Mr. Hale:

The Alabama Department of Public Health (ADPH) is responsible for inspecting abortion centers and ensuring compliance with local, state and national laws regulating such facilities pursuant to Ala. Admin. Code Rule 420-5-1.01(1).

We are writing to implore your agency to conduct a thorough inspection and investigation of the West Alabama Women's Center, located on 535 Jack Warner Pkwy, Tuscaloosa, AL, 35404. At least one employee of the abortion clinic reported to one of my former clients, Paul Lake, that a woman died at the facility on Thursday, May 7, 2020 after entering the clinic to obtain an abortion. Scott Sides at the Alabama Board of Medical Examiners confirmed the death.

Mr. Lake regularly prays on the public sidewalk in front of the clinic and offers life saving alternatives to women seeking an abortion. He observed that Dr. Louis Payne was the only doctor seen at the clinic on the day that the woman died. Mr. Lake was present for most of the morning and part of the afternoon. An ambulance never arrived while he was present. Furthermore, it could not be verified that a 911 call was even made for that day. Thus, it is likely that Dr. Payne gave no emergency help to this patient. A complaint against Dr. Payne has been reported to the Alabama Board of Medical Examiners concerning this incident.

Ala. Code Section 22-21-25 states that the State Board of Health may suspend or revoke a license on any of the following grounds: 1) violation of

any of the provisions of this article or the rules and regulations issued pursuant thereto, 2) permitting, aiding or abetting the commission of any illegal act in the institution, or 3) conduct or practices deemed by the State Board of Health to be detrimental to the welfare of the patients of the institution.

In this case, it is imperative that ADPH suspend, if not revoke, the licenses of WAWC for employing a physician who failed to provide the medically required standard of care to his patients. Such medical malfeasance is detrimental to the welfare of the women of Alabama and must be corrected at once.

This is the same facility that also employed Dr. Willie Parker, who faced criminal allegations. Details of the criminal allegations have been reported to the Alabama Board of Medical Examiners. (See Complaint and supporting documents attached hereto.)

Furthermore, the WAWC has several documented deficiency reports dating back to 2008 and as most recent as 2018. What is particularly disturbing is the fact that after issuing several lengthy deficiency reports, there is no record that ADPH further inspected these facilities for proof that the deficiencies were corrected. A non-exhaustive list of deficiencies includes failure to establish proper procedures to prevent patient infections in the facility, failure by staff to follow hand hygiene and medication administration guidelines, open vials of medications were left on the counter, failure to use clean needles to access medication to be used on multiple patients, and failure by staff to wear and remove gloves properly during surgical procedures and patient exams.

We are demanding that your agency conduct a thorough investigation into the death of the woman on May 7, 2020, at the hands of Dr. Payne. Based on the torrid history of deficiencies at this facility and the lack of evidence that any of the violations were ever corrected, it is imperative that your agency conducts routine inspections of the WAWC and their business records to ensure they are complying with all laws and regulations. Had the ADPH performed routine inspections, as is required by law, perhaps a life would have been spared.

Additionally, it has come to our attention that the WAWC has recently changed ownership. As widely reported in the media, Gloria Gray sold the WAWC to the Yellowhammer Fund according to Yellowhammer's executive director, Amanda Reyes. As you are aware, Alabama Administrative Code Rule 420-5-1-.01 (4)(e) requires a new license be applied for and issued when there is a change in facility ownership or operating entity. To date, there is no evidence that Ms. Reyes or the Yellowhammer Fund applied for or was issued a license to operate the WAWC. Accordingly, the ADPH must suspend and revoke the WAWC's current license until a new license can be obtained, as required by law.

Thank you for your time and consideration of these matters. We look forward to discussing your response to our concerns and we hope to hear from you no later than June 8, 2020 regarding this urgent matter.

Very truly yours,



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cc: Phillip Jauregui, Judicial Action Group

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