

Editor's Note: The Delaware Attorney General's office filed a complaint Thursday against former Planned Parenthood abortion doctor Timothy F. Liveright, citing him for unprofessional, incompetent and negligent conduct and calling him a "clear and immediate danger to the public." Liveright's name was raised repeatedly at Legislative Hall Wednesday, when nurses – Jayne Mitchell-Werbrich and Joyce Vasikonis – shared their concerns and experiences at the clinic in an ad hoc hearing called by Sen. Robert Venables, D-Laurel, and Sen. Greg Lavelle, R-Sharples. This is the transcript of the testimony given by nurse Jayne Mitchell-Werbrich.

Jayne Mitchell-Werbrich

My name is Jayne Mitchell-Werbrich. I am a registered nurse with a compact license. I have a Bachelor's degree in Nursing and am presently working towards earning a Master's degree in Nursing. I have been a registered nurse for twenty-six years. Over twenty of those years, I worked at Christiana Health Care Systems of Delaware at both the Wilmington and Stanton sites. During my time at Christiana Care Health Care Systems, I worked in a number of different specialty units. In one of the specialty units, I provided nursing care called maternal-child health. In this position, I provided care to patients in labor and delivery (including serving as a surgical care as a circulating nurse in operating room), high risk maternity, postpartum, as well as parent/patient educator. I left Christiana Care and cared for my terminally ill father. After my father passed, I reflected on my own life and decided I wanted to give more back to my community and applied for a job at Planned Parenthood of Delaware.

On April 20, 2012, I was hired as a recovery room nurse at Planned Parenthood of Delaware. I worked a total of 27 days (approximately) at Planned Parenthood. I worked 16 days at Planned Parenthood of Delaware's Wilmington site and 11 days at Planned Parenthood of Delaware's Dover site. I was forced to resign on August 8, 2012 as the conditions at Planned Parenthood continued to be unsafe and potentially life threatening for the patients despite the numerous reports I provided to Planned Parenthood Administrators, State of Delaware: Division of Professional Regulation, State of Delaware Health and Social Services: Division of Public Health and Occupational Safety and Health Administration (OSHA). I feared that a patient was going to end up being harmed and that I would lose my nursing license. I also endured a hostile environment at Planned Parenthood after reporting the horrendous conditions that were occurring there.

I am going to quickly address just a few of the unsafe practices I personally witnessed at Planned Parenthood during my short employment period. I witnessed meat market style assembly line abortions. This type of care was something I had never seen before in my entire nursing career. On an average day at the Wilmington Planned Parenthood site one abortion would be completed every 8-10 minutes. The doctor would be in such a hurry to get the patients in and out that he himself would bring the patients back into the unclean procedure room where the examination table would still have bloody drainage and body fluids on it from the previous patient. This act is unsafe by subjecting a patient to an unsanitary examination table contaminated with the prior patient's blood and body fluids, which could potentially expose a patient to a number of unhealthy, serious and life threatening conditions such as

Hepatitis B, Hepatitis C and Acquired Immunodeficiency Syndrome (AIDS) from human immunodeficiency virus (HIV).

Another very serious concern I had at Planned Parenthood was the mishandlings of RhoGAM. RhoGAM is a product that must be given within 72 hours to every patient whose Rh factor is negative after having an abortion. There are four different blood types-A, B, AB and O. Each of these four blood types is also classified as either being Rh positive or Rh negative depending on whether or not there is a certain protein present on the red blood cell. If you are Rh positive that means you have this certain protein, if you are Rh negative that means you do not have this certain protein. If a woman who is Rh negative and a man who is Rh positive conceive a baby, there is a potential for the baby to have numerous problems. This is where the RhoGAM comes into play. RhoGAM prevents the formation of maternal antibodies, which would endanger future RH positive pregnancies. If RhoGAM is not given within the recommended time, future Rh positive pregnancies could be dangerous to a mother and child. Rh disease can result in severe anemia, jaundice, brain damage, and heart failure in a newborn and it can cause death of a fetus. During my short time at Planned Parenthood, I saw plenty of incidents that Planned Parenthood had a bad habit of not being responsible regarding the administration of the RhoGAM. The administration of RhoGAM was often missed due to the rushed meat market type assembly line care that Planned Parenthood provides their patients. I shared my concern regarding the poor handling of the RhoGAM to Dr. Carole Meyers the Medical Director of Planned Parenthood. Dr. Meyers said that she was aware and was planning on making some changes to help to fix the issue. One thought she shared with me was to have RhoGAM administered in the abortion suite rather than the

recovery room. Dr. Meyers thought that might be the solution to the problem. However, this change never happened. I cannot help but think of all the Rh negative women that may be suffering from not having the RhoGAM they needed. It is likely that many women in Delaware may have to deal with future babies who have severe anemia, jaundice, brain damage, heart failure or even death. The sad thing is that these women may not even realize the fact that Planned Parenthood could be at fault for these medical tragedies even years after they had their abortions at Planned Parenthood.

Other examples of poor and potentially harmful care I witnessed corresponded to what Joyce Vasikonis already testified. Many of those deficiencies could potentially cause a number of infections depending on the pathogens introduced during these different situations. I witnessed that the emergency box and equipment contained expired emergency medications as well as faulty emergency equipment such as an oxygen mask that was not longer functional. This could potentially cause death to a patient in need of emergency care.

I was not an employee very long at Planned Parenthood. I started in April and by May and June I had already verbally reported my concerns to Planned Parenthood management regarding the poor patient care. At the end of June, I noted that no change had taken place in the delivery of patient care and began reporting such poor conditions in writing to Planned Parenthood administrators. By the end of July, still no action to make changes had been initiated by Planned Parenthood administrators at which time (July 31, 2012), I reported to Sam Nickerson at the Division of Professional Regulation. As a professional nurse, I have a duty and responsibly to report. At this time, I also

reported conditions of concern to Occupational Safety and Health Administration (OSHA).

On August 8th, the only change I noted was that the environment at Planned Parenthood had become increasingly hostile towards me. At this time, I was forced to resign. By the end of August, my concern for the care the patients were receiving continued as did my concern for the lack of response the State of Delaware Division of Public Health and the Division of Profession Regulation had demonstrated regarding poor, unsafe patient care. I had reported to both of these state agencies the many unsafe conditions which included that there were no guidelines, no standards of care, no procedure, or protocol manuals to be found anywhere, intravenous (IV's) were being started using an unsterile technique and patients endured multiple needle sticks. I reported that Planned Parenthood's Dr. Timothy Liveright had struck a patient by inappropriately slapping her at the dilation phase during an abortion. I reported that most of the Planned Parenthood Staff members did not wear protective gear or utilize universal blood and body fluid precautions; consents for sedation and procedures were sometimes obtained late as staff was rushed and hurried; registered nurses had to hide the patient's chart from Planned Parenthood's Dr. Timothy Liveright so the pre-procedure medications could have time to take effect because he was in such a rush to get to the next patient; lab work not being performed correctly thus the lab value results were incorrect; patients given sedation were found outside walking down Market Street dazed and confused; staff medical credentials were not verified; the emergency medications and equipment had expired; the narcotics were not being regulated; HIPPA privacy not being practiced; an intern who had been instructed by her instructor to only observe was

pressured in to providing abortion care; Planned Parenthood's Dr. Timothy Liveright once left sedated patients in the middle of an abortion procedure waiting for hours in order to handle a mechanical issue with his private airplane; and more. I can also verify most of the conditions that Joyce Vasikonis has mentioned in her testimony. I would also like to add that Joyce was the only person conscientious enough to work to attempt to fix Planned Parenthood.

On August 22, 2012, I called Governor Markell's office and spoke with his assistant Abby Betts and made her aware of all the unsafe issues at Planned Parenthood as well as the lack of response I had received from the State of Delaware - Division of Professional Regulation. I also called Pam Zickafoose of the Board of Nursing and left a message. On September 7, 2013, Pam Zickafoose of the Board of Nursing returned my call and I explained to her the conditions at Planned Parenthood as well as the lack of response from the State of Delaware Division of Professional Regulation. Ms. Zickafoose referred me to Mary Peterson of Delaware Health and Social Services: Division of Public Health. I informed Ms. Peterson of the unsafe conditions occurring at Planned Parenthood on September 7, 2012, and I asked her how we could let the public know of the unsafe conditions so that they could make educated choices regarding their own personal health care. I also asked Ms. Peterson who is responsible for regulating Planned Parenthood besides Planned Parenthood Federation themselves.

Ms. Peterson said, "No one regulates Planned Parenthood." Ms. Peterson also shared that her department already had more facilities to inspect than inspectors to inspect them. I asked her how that could happen and how we

could fix this problem. Ms. Peterson stated, "You would have to go through legislation." Ms. Peterson also informed me that she could only take complaints from patients. I told her that this patient population was not at all likely to report to her. I explained to Ms. Peterson that abortion is a stigmatizing event that causes patients to feel too uncomfortable to advocate for themselves. I also shared with Ms. Peterson that many of the patients that receive care at Planned Parenthood are young, poor, often minorities that lack knowledge of the reporting process to Delaware Health and Social Services and that these patients generally do not have the financial means to hire legal assistance necessary to even defend themselves. I told her that I was reporting on behalf of the patients and to consider me to be the "voice of the patients." But Ms. Peterson refused again stating that she could only take complaints from a patient.

Disturbed by my conversation with Ms. Peterson, I again called and left another message for Governor Markell on September 7, 2012. I did not receive a return call. At least once every month, from July 2012 to December 2012, I would email the State of Delaware Division of Professional Regulations and the State of Delaware Division of Public Health Department to ask for an update and to express my sincere concern for the well being of the unknowing patients that could be harmed. I was passed on to different investigators and told that the case was being investigated. On July 31, 2012, Mr. Sam Nickerson was investigating the case. On August 22, 2012, Ms. Jean Betley informed me that Mr. Nickerson had resigned and that my complaint was assigned to another investigator. On August 27, 2012, Ms. Jean Betley informed me of the "new" investigator's name, Mark Tomlin. On September 7, 2012, I made contact with Mr. Tomlin making sure he was informed of all the Planned

Parenthood issues. On March 25, 2013, I received a telephone call from yet another "new" investigator named Jeffrey Ford. On April 13, I received a call from yet another "new" investigator named, Anthony Kemmerlin.

At the end of December, I received a letter from the Division of Professional Regulation that the investigation had been completed and that "several small housekeeping issues were identified and the issues discussed with the staff so that they could be properly rectified." "None of the issues noted by the investigation team were considered egregious enough to necessitate a closing of the facility, or even to cite Planned Parenthood."

Needless to say, I was in complete shock. Finally on February 14th, the OSHA report came back citing Planned Parenthood with serious violations. Planned Parenthood was fined. OSHA cited Planned Parenthood because Planned Parenthood did not ensure that all employees with occupational exposure participated in a training program. Health care employees performing tasks such as assisting with medical procedures and handling specimens were not trained. As for the other than serious violations Planned Parenthood was cited for included engineering and work practice controls not being used to eliminate or minimize employees' exposure to medical hazards.

As soon as I read the OSHA report, I emailed Jean Betley (Division of Professional Regulation) and Mary Peterson (Division of Public Health) to make them aware of the OSHA findings. I could not help but wonder how OSHA could find serious and other-than-serious violations when the State of Delaware found nothing.

This could only mean one of two things. Either the State of Delaware inspectors were too ignorant to discover the kind of violations that OSHA



found or the State of Delaware was unwilling to do a real inspection and instead gave Parent Parenthood an advanced notice warning of their inspection allowing Planned Parenthood to cover up for the real conditions that exist at Planned Parenthood.

OSHA investigator, Tim Loudon informed me that his agency was only concerned with employee exposure, employee risks, and employee safety but not the patients' exposures, risks, or safety. If the State of Delaware had completed their investigation properly, the State of Delaware should have found those same employee risks as well as the risks to patients. I asked Jean Betley and Mary Peterson, how OSHA could have found serious violations while their investigators did not note any alarming issues considering these two inspections were carried out roughly at the same time.

Mary Peterson of the Division of Public Health did not respond back to my question but Jean Betley of the Division of Professional Regulation did stating that if I ever get a copy of the OSHA report that she would like to see it. I requested the contact information for Gayle Lynn MacAfee (Executive Director of Board of Medical Licensure and Discipline) as I wanted to keep her updated as I continued to advocate for the unknowing patients and the public. I was never sent the contact information for Ms. MacAfee that I requested from Mary Peterson or Jean Betley. At this point, I felt as if I was receiving the run around, so in a desperate attempt to be heard by someone, I called Mike Castle to ask him who I could go to in order to report such horrible conditions and actually be heard. He told me that he knew some "movers and shakers" that were involved at Planned Parenthood and he would make them aware of the

situation including the OSHA report. I never did hear back from him. I also shared the OSHA report with Joyce Vasikonis.

Joyce and I decided that at this point nobody was listening and patients were continuing to be abused at Planned Parenthood. Joyce and I also believed the State of Delaware Division of Professional Regulations and State of Delaware Division of Public Health did not take action and thus did not care about the horrendous care the patients were enduring at Planned Parenthood as the abuse continues.

We both decided the best way to keep people safe was to go the News Journal with our story. We never received a return call from the News Journal so Joyce contacted Action News Channel 6 in Philadelphia and asked for help.

The Action News report aired on April 9, 2013. On April 12, 2013, Planned Parenthood suspended their in clinic abortions. On April 13, I received a call from yet another new investigator from the State of Delaware: Division of Professional Regulations named, Anthony Kemmerlin.

From the time I first reported the unsafe conditions at Planned Parenthood to the Division of Professional Regulations in July 2012 until present; my case has been reassigned to five different investigators. Those investigators would be: Sam Nickerson, Jean Betley, Mark Tomlin, Jeffrey Ford, and now Anthony Kemmerlin. My last conversation was with Mr. Kemmerlin who informed me "the case was a mess and that many things had been missed." He also told me that he would be calling me back for more information on what needed to be investigated as he was unfamiliar with investigating this type facility.

Again, I could not help but to wonder and be concerned that the State of Delaware had assigned an investigator that was not skilled in how to investigate this type of facility. By this time, I realized that the State of Delaware had serious departmental issues. I even offered to go to Planned Parenthood with Mr. Kemmerlin to show him the violations.

Mr. Kemmerlin informed me that he had approval for 11 subpoenas which would be delivered on Monday, April 15, 2013. Both Joyce and I were on Mr. Kemmerlin's "to be subpoenaed list" but neither Joyce or I have received a subpoena as Mr. Kemmerlin had stated. Mr. Kemmerlin also told me that there was going to be a team investigation at Planned Parenthood on April 15, 2013 as well. It is now the end of May; I have heard no response from the State of Delaware Division of Professional Regulations or Division of Public Health Department and patients continue to be seen at Planned Parenthood. The lack of response I have received has been difficult for me not only as a nurse but as a person with character, integrity, and great compassion. Witnessing the lack of concern and action from the State of Delaware's agencies of Professional Regulation and Public Health has been heartbreaking.

I was born and have lived in the State of Delaware my entire life. I love my state and believed in our state's leaders but this incident has forced me to see that our state agencies and leaders are failing us. I so trusted our state agencies would do their jobs, do the right thing, and truly investigate reports of abuse, and poor and unsafe care. I have a hard time laying my head down on my pillow at night. I cannot help but to think of all the patients who are continuing to be mistreated and uncared for at Planned Parenthood. I toss and turn and feel helpless that I cannot do more to help them.

I do not understand why the State of Delaware would let this continue to happen to people. These patients are victims! These patients have a right to good quality health care. Patients do not deserve to be rushed in and out the door. Planned Parenthood needs to be responsible for their unsafe and dangerous practice. RhoGAM needs to be given to patients that are Rh negative so that those patients can have healthy, live children down the road- The abortion rooms need to be sanitized and the sterile procedures need to be just that - sterile- so patients are not exposed to the blood and body fluids of other patients. I did what I was supposed to do. I reported the numerous, unacceptable conditions of Planned Parenthood as I am mandated to do by law.

I did my job but the State of Delaware has not done their job. I have spent almost a year begging for someone.....anyone to help me to help the patients at Planned Parenthood. I do not know where else to go for help. I am sharing my testimony in the hopes that someone will hear and warn the public not to go to Planned Parenthood for any service.

I have seen with my own eyes in 27 days what really goes on behind the closed doors of Planned Parenthood. I would not want my own daughter or anyone else's daughter to seek any services from Planned Parenthood. People's lives matter to me. I am a nurse and I really do care for my patients well being. Please help.