

# C A M P A I G N F O R

# ACCOUNTABILITY

April 23, 2024

## VIA EMAIL

The Honorable Keith Ellison  
Minnesota Attorney General  
445 Minnesota Street, Suite 1400  
St. Paul, Minnesota 55101

Dear Attorney General Ellison:

Campaign for Accountability (“CfA”), a nonprofit organization that exposes misconduct and malfeasance in public life, respectfully requests that your office investigate whether the Amnion Pregnancy Center (“Amnion”) has been obtaining women’s sensitive personal and health data in violation of the Minnesota Consumer Fraud Act, Minnesota Uniform Deceptive Trade Practices Act, and state common law.

## BACKGROUND

Amnion is a crisis pregnancy center located in Burnsville, Minnesota.<sup>1</sup> So-called “CPCs” “represent themselves as legitimate reproductive health care clinics providing care for pregnant people but actually aim to dissuade people from accessing certain types of reproductive health care, including abortion care and even contraceptive options.”<sup>2</sup> Though CPCs hold themselves out as medical service providers, they are, in reality, “ministries”<sup>3</sup> with the mission of preventing abortion. In fact, Amnion is part of a network of thousands of CPCs affiliated with Care Net and

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<sup>1</sup> Amnion Pregnancy Center is a 501(c)(3) nonprofit with EIN 41-1666474 registered in Minnesota.

<sup>2</sup> American College of Obstetricians and Gynecologists, Crisis Pregnancy Centers Issue Brief, available at <https://www.acog.org/advocacy/abortion-is-essential/trending-issues/issue-brief-crisis-pregnancy-centers>.

<sup>3</sup> Amnion describes itself as a “ministry” on its job posting for a Director of Operations. See Amnion Pregnancy Center, Director of Operations posting, available at <https://helpofferhope.org/wp-content/uploads/2023/11/Director-of-Operations-job-description-update.pdf> (last accessed Apr. 15, 2024). See also Help Offer Hope, Ways to Help Webpage, available at <https://helpofferhope.org/help/> (last accessed Apr. 15, 2024). Care Net and Heartbeat International describe themselves and their affiliates as religious ministries. See Care Net’s About Webpage, available at <https://www.care-net.org/about> (last accessed Apr. 15, 2024); see also Heartbeat International’s Services Webpage, available at <https://www.heartbeat-services.org/services-home/> (last accessed Apr. 15, 2024). To become a Care Net affiliate (as Amnion has), a CPC must agree to Care Net’s “Standards of Affiliation,” “Statement of Faith,” and “Vision and Mission,” including agreeing that the “primary mission of the pregnancy center is to share the compassion, hope, and help of Jesus Christ — both in word and deed — with those facing pregnancy decisions.” See Care Net, Pregnancy Center Standards of Affiliation, available at [https://367552.fs1.hubspotusercontent-na1.net/hubfs/367552/Affiliate%20Portal%20Linked%20Files/Affiliate%20Standards\\_2024.pdf](https://367552.fs1.hubspotusercontent-na1.net/hubfs/367552/Affiliate%20Portal%20Linked%20Files/Affiliate%20Standards_2024.pdf).

Heartbeat International, multi-million-dollar organizations<sup>4</sup> that intentionally target women searching for legitimate abortion care providers to “save babies” from abortion.<sup>5</sup>

Centers like Amnion pay annual fees to Care Net and Heartbeat International.<sup>6</sup> In return, they receive training, digital marketing support including website templates, digital forms used to collect client information, fundraising support, and legal best practices.<sup>7</sup> Care Net and Heartbeat International also provide operations manuals, including Care Net’s “Understanding Client Care: Volume I”<sup>8</sup> and Heartbeat International’s “Medical Essentials for Pregnancy Help Organizations,” “Legal Essentials for Pregnancy Help Organizations,” and “Sample Medical Policies and Procedures.”<sup>9</sup>

On its website, Amnion advertises “confidential” and “no cost” services including pregnancy testing, ultrasounds, abortion information and options counseling, among other

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<sup>4</sup> In 2023, Care Net reported \$8,813,206 in revenue. Care Net, 2022 Return of Organization Exempt from Income Tax, Form 990, filed Oct. 31, 2023, *available at* <https://367552.fs1.hubspotusercontent-na1.net/hubfs/367552/FY23%20990%20Final.pdf>. Heartbeat International reported revenue of \$9,082,435 in 2021, the most recent time period available. Heartbeat International, Inc., 2021 Return of Organization Exempt from Income Tax, Form 990, filed July 10, 2023, *available at* <https://projects.propublica.org/nonprofits/organizations/237335592/202331919349300323/full>.

<sup>5</sup> Heartbeat International’s mission is to “reach” women who are seeking abortion care to “save a woman and her child from abortion.” Heartbeat International, 10 Things Webpage, *available at* <https://www.heartbeatinternational.org/images/PDF/NEW%2010%20things%20WEB%202021%20%281%29.pdf> (last accessed Apr. 15, 2024). Similarly, Care Net operates to “save babies from abortion” and “share the Gospel” with women seeking abortion care. Tom Campisi, How You Can Save Babies from Abortion, Provide Hope on Giving Tuesday, *Care Net Abundant Life Blog*, (Nov. 8, 2023), *available at* <https://www.care-net.org/abundant-life-blog/how-you-can-save-babies-from-abortion-giving-tuesday>.

<sup>6</sup> Care Net, A Guide to Becoming a Care Net Affiliate, *available at* [https://www.care-net.org/hubfs/Affiliate Icons and ads/A%20Guide%20to%20Care%20Net%20Affiliation%20UPDATED%2010.09.18%20.pdf](https://www.care-net.org/hubfs/Affiliate%20Icons%20and%20ads/A%20Guide%20to%20Care%20Net%20Affiliation%20UPDATED%2010.09.18%20.pdf) (last accessed Apr. 15, 2024); *see also* Heartbeat International, Ready to Affiliate with Heartbeat International?, *available at* <https://www.heartbeatinternational.org/about-us/why-affiliate/ready-to-affiliate> (last accessed Apr. 15, 2024).

<sup>7</sup> Care Net, Bookstore Webpage, *available at* <https://store.care-net.org/>; *see also* Heartbeat International, “Heartbeat Academy,” *available at* <https://www.heartbeatinternational.org/academy>.

<sup>8</sup> Care Net, “Understanding Client Care: Volume I,” (hereinafter “Understanding Client Care”) *available for purchase at* <https://store.care-net.org/understanding-client-care-volume-i-download/>.

<sup>9</sup> Heartbeat International, “Medical Essentials for Pregnancy Help Organizations,” (hereinafter “Medical Essentials”) *available for purchase at* <https://www.heartbeatinternational.org/resources/resources-by-topic/medical/medical-essentials>; “Legal Essentials for Pregnancy Help Organizations,” (hereinafter “Legal Essentials”) *available for purchase at* <https://www.heartbeatinternational.org/resources/resources-by-topic/board/legal-essentials>; and “Sample Medical Policies and Procedures,” *available for purchase at* <https://www.heartbeatinternational.org/resources/resources-by-topic/medical/sample-medical-policies-and-procedures> (last accessed Apr. 15, 2024). While Heartbeat International makes its manuals available for purchase online, purchasers must attest they are affiliated with a pregnancy help organization.

services.<sup>10</sup> It also promotes these services through Google, Facebook, and Instagram.<sup>11</sup> For instance, on its Google “updates,” which appears near its standard business profile, Amnion describes itself as a “free alternative to Planned Parenthood” and promises “free, confidential pregnancy services.”<sup>12</sup> Amnion offers its services without charge, so it potentially serves more vulnerable populations, including immigrants with limited English proficiency and minors, who frequently cannot afford or do not have easy access to medical offices and clinics.<sup>13</sup> Amnion specifically promises to provide “medical and support services” to minors “regardless of your circumstances” and affirms minors can “come alone.”<sup>14</sup>

In many ways, Amnion presents itself as a traditional medical clinic. It promotes “telehealth services” provided by registered nurses.<sup>15</sup> Similarly, it offers “health information” and features medical imagery on its website.<sup>16</sup> One of the drop-down options on Amnion’s home page is for “Medical Consultation.”<sup>17</sup> Clicking this link brings users to an “Options Consultation” page, which promises women who make appointments that they will receive “accurate medical information on the abortion pill, abortion procedures, and talk to a professional about side-effects, what to expect, and more.”<sup>18</sup> It also pledges “all services are free and confidential.”<sup>19</sup> On social media and Google, Amnion promotes its “reproductive health services” and claims to be a “medical & health” provider.<sup>20</sup>

Amnion is not, however, a traditional medical clinic. It is not included in a state directory of health facilities, nor does it list any providers on its website. Instead, it performs “Christian outreach to women and men in crisis due to unintended pregnancy.”<sup>21</sup> Amnion maintains two

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<sup>10</sup> Amnion Pregnancy Center, Services Webpage, available at <https://www.amnioncpc.org/services> (last accessed Apr. 15, 2024). Volunteers with no medical credentials often provide the advertised “options” counseling. Care Net’s manual provides a sample “Client Advocate/Pregnancy Coach Position Description” that requires the person offering counseling to “demonstrate a personal relationship with Jesus Christ as Lord and Savior” and a “strong commitment and dedication to [Center Name]’s pro-life position.” Understanding Client Care at 168 (excerpts from manual attached as Exhibit 1).

<sup>11</sup> Amnion Pregnancy Center, Instagram, available at <https://www.instagram.com/amnionpregnancy>; Amnion Pregnancy Center, Facebook Page, available at <https://www.facebook.com/amnionpregnancy>.

<sup>12</sup> Amnion Pregnancy Center Google Profile, Update, (Oct. 16, 2023), (attached as Exhibit 2); Amnion Pregnancy Center Google Profile, Update, (Aug. 9, 2023), (attached as Exhibit 3); Amnion Pregnancy Center Google Profile, Update, (Oct. 18, 2023), (attached as Exhibit 4).

<sup>13</sup> American College of Obstetricians and Gynecologists, [Crisis Pregnancy Centers Issue Brief](#).

<sup>14</sup> Amnion Pregnancy Center, FAQs Webpage, available at <https://www.amnioncpc.org/faqs> (last accessed Apr. 15, 2024).

<sup>15</sup> Amnion Pregnancy Center, Telehealth Webpage, available at <https://www.amnioncpc.org/telehealth-nurse-assessment> (last accessed Apr. 15, 2024).

<sup>16</sup> *Id.*

<sup>17</sup> Amnion Pregnancy Center, Homepage, available at <https://www.amnioncpc.org/> (last accessed Apr. 15, 2024).

<sup>18</sup> Amnion Pregnancy Center, Options Consulting Webpage, available at <https://www.amnioncpc.org/options-consultation> (last accessed Apr. 15, 2024).

<sup>19</sup> *Id.*

<sup>20</sup> Amnion Pregnancy Center Google Profile (attached as Exhibits 2-4); *see also* Amnion Pregnancy Center, Instagram, available at <https://www.instagram.com/amnionpregnancy>.

<sup>21</sup> Guidestar, Amnion Pregnancy Center Profile, available at <https://www.guidestar.org/profile/41-1666474> (last accessed April 15, 2024).

separate websites: one appearing to target consumers and another for donors and allies.<sup>22</sup> While the client-facing website appears to be advertising medical services, the supporter-facing website claims Amnion’s “mission” is to “share the gospel of Jesus Christ and to protect and advocate for the sanctity of all human life, born and unborn.”<sup>23</sup>

Mimicking the process used by most doctor’s offices, Amnion asks consumers requesting an appointment to provide sensitive personal and health information, including first and last name, phone number, email address, date of birth, first day of last period, interest in obtaining abortion care, and interest in specific pregnancy services.<sup>24</sup> Amnion relies on Centerpiece to manage its client portal for communications and recordkeeping,<sup>25</sup> Centerpiece is a “center management software” program designed by eKyros for “Christ-centered Pregnancy Resource Centers (PRC)” to support their “core mission of saving LIVES.”<sup>26</sup> CPCs appear to pay a monthly fee to use the platform.<sup>27</sup>

eKyros has posted training videos for CPC staff and volunteers that walk through the process of obtaining information from a client, including during the client’s first appointment. These videos show how Centerpiece can be used to collect and store a wide swath of highly sensitive personal and health information. This includes a client’s social security number, employment information, pregnancy history (including prior miscarriages and abortions), use of drugs and alcohol, sexual history, mental health, and information on her sexual partner including about the details of their relationship.<sup>28</sup> According to eKyros’s training materials, much of this information is intended to be collected by client advocates, who are generally volunteers with no required medical or social work credentials.<sup>29</sup> An inquiry into Amnion could determine how much of this data it collects.<sup>30</sup>

eKyros partners with Care Net and Heartbeat International, working “closely” with both organizations and even providing a “one-click statistical report for centers affiliated with Care

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<sup>22</sup> Compare Amnion Pregnancy Center, available at <https://www.amnioncpc.org> (last accessed Apr. 15, 2024); and Help Offer Hope, Website available at <https://helpofferhope.org> (last accessed Apr. 15, 2024).

<sup>23</sup> Help Offer Hope, About Webpage, available at <https://helpofferhope.org/about> (last accessed Apr. 15, 2024).

<sup>24</sup> Amnion Pregnancy Center, Appointments Webpage, available at <https://www.amnioncpc.org/appointments> (last accessed Apr. 15, 2024).

<sup>25</sup> Amnion Pregnancy Center, eKyros Portal Policy Webpage, available at <https://www.amnioncpc.org/portal-policy> (last accessed Apr. 15, 2024).

<sup>26</sup> eKyros, Overview Webpage, available at <https://www.ekyros.com/default.aspx?tabindex=0&tabid=56> (last accessed Apr. 15, 2024).

<sup>27</sup> eKyros, Pricing Webpage, available at <https://www.ekyros.com/default.aspx?tabindex=13&tabid=25> (last accessed Apr. 15, 2024).

<sup>28</sup> eKYROS Vimeo, Data Entry for Client Advocates, available at <https://vimeo.com/518774287> (last accessed November 21, 2023); see also eKYROS Vimeo, Data Entry for Medical Personnel, available at <https://vimeo.com/526994721> (last accessed Apr. 15, 2024).

<sup>29</sup> *Id.*

<sup>30</sup> eKyros similarly represents that it complies with HIPAA. See eKyros, Home Page, available at <https://ekyros.com/Pub/> (last accessed Apr. 15, 2024).

Net,”<sup>31</sup> suggesting Amnion may be sharing sensitive consumer information with its national affiliates.

Amnion collects this sensitive personal and medical information while making numerous representations suggesting it maintains the confidentiality of this data, invoking the federal Health Insurance Portability and Protection Accountability Act (“HIPAA”). On its website, Amnion posts a “Commitment of Care” and claims “[c]lient information is held in strict and absolute confidence, according to HIPAA guidelines.”<sup>32</sup> Its appointment scheduling form states that Amnion’s “forms are HIPAA Compliant.”<sup>33</sup>

HIPAA has become consumer shorthand for protected or secure when it comes to medical privacy, and its use connotes the privacy and security of personal health information.<sup>34</sup> Capitalizing on this misconception, Amnion posts a “Notice of Privacy Practices,” a notice mandated by HIPAA,<sup>35</sup> which instructs consumers they can “file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting [www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/).”<sup>36</sup> The notice also reassures consumers Amnion “will not retaliate against you for filing a complaint.”<sup>37</sup> A reasonable consumer would understand this to mean the CPC is regulated by HIPAA, that sensitive information is protected by federal law, and recourse for any privacy violation is available through the federal government.

Yet, contrary to the assurances Amnion offers consumers, Care Net materials state “centers are not legally required to be HIPAA compliant unless they are billing for services electronically.”<sup>38</sup> In a blog post, Care Net explains:

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<sup>31</sup> eKyros, Partners Webpage, *available at* <https://www.ekyros.com/default.aspx?tabindex=2&tabid=75> (last accessed Apr. 15, 2024).

<sup>32</sup> Amnion Pregnancy Center, Commitment of Care Webpage, *available at* <https://www.amnioncpc.org/our-commitment> (last accessed Apr. 15, 2024).

<sup>33</sup> Amnion Pregnancy Center, Appointments Webpage, *available at* <https://www.amnioncpc.org/appointments> (last accessed Apr. 15, 2024).

<sup>34</sup> Thomas Germain, Guess What? HIPAA Isn’t a Medical Privacy Law, *Consumer Reports*, (June 13, 2022), *available at* <https://www.consumerreports.org/health/health-privacy/guess-what-hipaa-isnt-a-medical-privacy-law-a2469399940/>; ClearDATA, Press Release, ClearDATA Survey Reveals Many Americans Don’t Realize Personal Data Shared with Digital Health Apps Could be Sold Without Their Consent, (July 11, 2023), *available at* <https://www.cleardata.com/news/cleardata-survey-reveals-many-americans-dont-realize-personal-data-shared-with-digital-health-apps-could-be-sold-without-their-consent/> (“[S]urvey found that 81% of Americans assume that all protected health data collected by digital health apps is protected under HIPAA. And while 68% of Americans say they are very or somewhat familiar with HIPAA, in reality, HIPAA does not safeguard protected health information (PHI) within the context of digital apps or other health companies in the same way it does for “covered health entities” like hospitals and providers. This means, in many cases, it’s perfectly legal for app makers to sell their users’ health data—and most Americans are utterly unaware of this potential invasion of privacy.”)

<sup>35</sup> 45 CFR 164.520.

<sup>36</sup> Amnion Pregnancy Center, Notice of Privacy Practices, *available at* <https://www.amnioncpc.org/notice-of-privacy-practices> (last accessed Apr. 15, 2024).

<sup>37</sup> *Id.*

<sup>38</sup> Understanding Client Care at 7.

Most centers do not meet the legal definition of a covered entity under the HIPAA regulation because they do not furnish, bill, or are paid for health care in the normal course of business and do not transmit health information in electronic form in connection with a transaction for which a HIPAA standard has been adopted by HHS.<sup>39</sup>

Care Net’s materials also explain affiliates are not subject to legal restrictions on confidentiality, but instead are bound only by subjective “ethical obligations.”

In most states, the conversations individuals have with their own medical professionals, attorneys, clergy, or licensed professional counselors are legally privileged and may not be disclosed, except in rare circumstances. **While this legal privilege and responsibility does not apply to interactions between clients and unlicensed personnel at non-medical centers**, all team members have an ethical obligation to keep promises of confidentiality made by the center to clients<sup>40</sup> (emphasis added).

Care Net continues: “[e]xceptions [to this pledge] include when disclosure is required by law, or there exists morally compelling circumstances to break confidentiality, or when necessary to protect the client or others from serious, foreseeable, and imminent bodily harm, or when the center is engaged in a criminal or civil dispute with the client.”<sup>41</sup> Publicly available previews of Heartbeat International’s “Legal Essentials” guide similarly indicate it enumerates “exceptions to confidentiality” for affiliates.<sup>42</sup>

Because Amnion offers its services free of charge and does not bill insurance or any other entity, as Care Net notes, HIPAA may not apply.<sup>43</sup> Amnion’s Notice of Privacy Practices permits disclosures in “certain situations” including “[p]reventing or reducing a serious threat to anyone’s health or safety.”<sup>44</sup> Care Net describes its purpose as “saving babies” from abortion and asserts “every human life begins at conception and is worthy of protection.”<sup>45</sup> Heartbeat

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<sup>39</sup> Care Net, *A Picture of Academic Bias Against Pregnancy Centers*, Care Net Blog (Jan. 17, 2019), available at <https://www.care-net.org/abundant-life-blog/a-picture-of-academic-bias-against-pregnancy-centers>.

<sup>40</sup> Understanding Client Care at 1.

<sup>41</sup> *Id.* at 5.

<sup>42</sup> Heartbeat International, “Legal Essentials,” “Table of Contents: Chapter 9 Confidentiality and Client Records, Section 2: Exceptions to Confidentiality,” available at <https://www.heartbeatinternational.org/resources/resources-by-topic/board/legal-essentials>, (last accessed Apr. 15, 2024).

<sup>43</sup> The Minnesota Health Records Act (MHRA) also likely does not apply to Amnion. *See* Minn. Stat. §§ 144.291-.298. As it is not a licensed health care facility and uses nurses to provide its advertised “medical” services, Amnion is not a “provider” under the MHRA. Minn. Stat. § 144.291, subd. 2(i). Therefore, a pregnant woman seeking Amnion’s services is not a “patient,” and the information she shares—information that would be protected if Amnion were the medical facility it presents itself to be—is not part of a “health record.” Minn. Stat. § 144.291, subd. 2(c), (g), (i).

<sup>44</sup> Amnion Pregnancy Center, Notice of Privacy Practices Webpage, available at <https://www.amnioncpc.org/notice-of-privacy-practices> (last accessed Apr. 15, 2024).

<sup>45</sup> Care Net, About Care Net Webpage, available at <https://www.care-net.org/about> (last accessed Apr. 15, 2024).

International describes its donors as “life savers.”<sup>46</sup> On its supporter-facing website, Amnion claims that “[p]rotecting human life involves an intense and escalating spiritual battle.”<sup>47</sup> In this context, it is reasonable to conclude Amnion may consider a woman’s decision to seek abortion care as a “threat” to the safety of a fetus and a “morally compelling” reason to break confidentiality, even though that is not made clear to consumers.

Moreover, Amnion may be targeting people with low incomes who cannot afford care elsewhere, including high school and college students, by offering “free” services. These consumers may reasonably believe they are offering their highly personal information *for the purpose of* obtaining necessary and standard health care. Yet, in fact, such health care is not available; Amnion offers only ultrasounds, and even those are offered for the non-medical reason of allowing a pregnant woman to “see the gift of life that has been given.”<sup>48</sup> This raises the question of *why* Amnion is gathering and retaining this highly sensitive medical and personal information.<sup>49</sup>

## LEGAL VIOLATIONS

### *Minnesota Consumer Protection Laws*

As you know, the attorney general is responsible for investigating violations of Minnesota’s consumer protection laws.<sup>50</sup> The Minnesota Consumer Fraud Act (CFA) prohibits “any fraud, false pretense, false promise, misrepresentation, misleading statement or deceptive practice, with the intent that others rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby.”<sup>51</sup> Here, merchandise includes “services.”<sup>52</sup> Similarly, the Minnesota Uniform Deceptive Trade Practices Act (DTPA) prohibits deceptive trade practices including misrepresenting the “characteristics” or “standards” of services, “unfair methods of competition,” “unfair or unconscionable acts or practices,” and conduct that “creates a likelihood of confusion or misunderstanding.”<sup>53</sup>

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<sup>46</sup> Heartbeat International, Ways to Support Webpage, available at <https://www.heartbeatinternational.org/waystosupport#lifesaver> (last accessed Apr. 15, 2024).

<sup>47</sup> Help Offer Hope, Ways to Help Webpage, available at <https://helpofferhope.org/help/> (last accessed Apr. 15, 2024). In two job postings, Amnion requires applicants be committed Christians and exhibit a “strong commitment and dedication to the pro-life position.” See Help Offer Hope, Director of Operations posting, available at <https://helpofferhope.org/wp-content/uploads/2023/11/Director-of-Operations-job-description-update.pdf> (last accessed Apr. 15, 2024); see also Help Offer Hope, Administrative Assistant posting, available at <https://helpofferhope.org/wp-content/uploads/2024/02/Admin-Assistant-Job-Description.pdf> (last accessed Apr. 15, 2024).

<sup>48</sup> Help Offer Hope, Resources Webpage, available at <https://helpofferhope.org/resources> (last accessed Apr. 15, 2024).

<sup>49</sup> Care Net advises that affiliates retain records for 7 years. Understanding Client Care at 6.

<sup>50</sup> Minn. Stat. § 8.31.

<sup>51</sup> Minn. Stat. § 325F.69, subd. 1. Notably, the deception need not be intentional to be actionable under the CFA. See *301 Clifton Place L.L.C. v. 301 Clifton Place Condo. Ass'n.*, 783 N.W.2d 551, 563 (Minn. App. 2010). Rather, “a finding of negligent or unintentional misrepresentation violates the Act.” *Church of the Nativity of Our Lord v. WatPro, Inc.*, 474 N.W.2d 605, 612 (Minn. Ct. App. 1991), *aff'd*, 491 N.W.2d 1 (Minn. 1992).

<sup>52</sup> Minn. Stat. § 325F.68, subd. 2.

<sup>53</sup> Minn. Stat. § 325D.44, subd. 1(1)-(13).

Minnesota’s consumer protection laws “are commonly read together so as to prohibit the use of deceptive and unlawful trade practices.”<sup>54</sup>

As a Minnesota nonprofit engaged in trade and commerce, Amnion is subject to the state’s consumer protection laws.<sup>55</sup> Amnion advertises and distributes many services in the state, including pregnancy tests, ultrasounds, and pregnancy counseling. Though these services are offered without charge to clients, Amnion receives donations to provide its services.<sup>56</sup> Your office, along with several other attorneys general across the nation, have employed state UDAP laws to target companies that provide services free to consumers.<sup>57</sup>

Minnesota consumer protection statutes are broadly and liberally construed,<sup>58</sup> reflecting a “clear legislative policy encouraging aggressive prosecution of statutory violations.”<sup>59</sup> In general, conduct that tends to deceive or mislead a person will constitute such a violation.<sup>60</sup>

Amnion claims to be HIPAA compliant and extolls the confidentiality of its services. Its Notice of Privacy Practices advises clients they have the right to seek and correct their paper and electronic “medical record.”<sup>61</sup> Further, clients who believe their confidentiality has been violated are instructed to seek recourse by filing a complaint with the federal Department of Health and Human Services<sup>62</sup> although Amnion does not appear to engage in HIPAA covered transactions and is likely aware of this.

By suggesting it is providing medical services, by claiming its services are “confidential,” that the clinic complies with HIPAA, and that those who believe the confidentiality of their data has been compromised can file a complaint with HHS, none of which is accurate, Amnion is engaging in an act or a practice that would seemingly deceive consumers in violation of Minnesota consumer protection laws. A reasonable consumer could easily be deceived by Amnion’s misrepresentations regarding the privacy standards and characteristics of its services.<sup>63</sup>

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<sup>54</sup> *Liabo v. Wayzata Nissan, LLC*, 707 N.W.2d 715, 724 (Minn. Ct. App. 2006).

<sup>55</sup> *See, e.g., In re Grp. Health Plan Litig.*, No. 23-CV-267 (JWB/DJF), 2023 WL 8850243 (D. Minn. Dec. 21, 2023).

<sup>56</sup> Help Offer Hope, Resources Webpage.

<sup>57</sup> *See e.g.* Attorney General Keith Ellison, Press Release, Bipartisan Coalition of Attorneys General File Lawsuits Against Meta for Harming Youth Mental Health Through its Social Media Platforms (Oct. 24, 2023), available at [https://www.ag.state.mn.us/Office/Communications/2023/10/24\\_Meta.asp](https://www.ag.state.mn.us/Office/Communications/2023/10/24_Meta.asp);

<sup>58</sup> *State by Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 496 (Minn. 1996).

<sup>59</sup> *Id.* at 495; *see also Ly v. Nystrom*, 615 N.W.2d 302, 308 (Minn. 2000).

<sup>60</sup> *Graphic Comms. Local 1B Health & Welfare Fund “A” vs. CVS Caremark Corp.*, 850 N.W.2d 682, 694-95 (Minn. 2014). Where there are “special circumstances” triggering a duty to disclose, including within confidential relationships and when necessary to correct misleading information already disclosed, a material omission may violate the CFA. *Id.* at 695-96; *see also Khoday v. Symantec Corp.*, 858 F. Supp. 2d 1004, 1018 (D. Minn. 2012).

<sup>61</sup> Amnion Pregnancy Center, Notice of Privacy Practices Webpage.

<sup>62</sup> *Id.*

<sup>63</sup> *In the Matter of SkyMed International, Inc.*, File No. 1923140, available at [https://www.ftc.gov/system/files/documents/cases/skymed\\_-\\_complaint.pdf](https://www.ftc.gov/system/files/documents/cases/skymed_-_complaint.pdf) (alleging that SkyMed deceptively “displayed a seal” that attested to its “purported compliance” with HIPAA); *see also* Federal Trade Commission, Collecting, Using, or Sharing Consumer Health Information? Look to HIPAA, the FTC Act, and the Health Breach Notification Rule, *FTC Blog* (Sept. 2023), available at <https://www.ftc.gov/business-guidance/resources/collecting->



Notably, the Federal Trade Commission (“FTC”) has specifically stated that companies touting “HIPAA compliance”<sup>64</sup> may be deceiving consumers if they are not actually covered by the law. The FTC has called health information “among the most sensitive categories of data collected” and has specifically highlighted information that may be used to “target women considering abortion.” The FTC has stated the misuse of such data “exposes consumers to significant harm,” and found “[t]he exposure of health information and medical conditions, especially data related to sexual activity or reproductive health, may subject people to discrimination, stigma, mental anguish, or other serious harms.”<sup>65</sup> In short, consumers deserve to know who is collecting their personal information and what laws and regulations will govern how it is used, stored, and protected.

Recently, the FTC settled a case against Easy Healthcare, developer of the fertility app Premom, alleging it had deceived consumers about its privacy protections in collecting sensitive information about their menstruation history, pregnancy history, and pregnancy status.<sup>66</sup> Premom’s privacy policies assured users that any information it collected to share was non-identifiable and disclosed only for its own analytics and/or advertising. In fact, however, without users’ consent, Easy Healthcare disclosed their identifiable health data to third parties.<sup>67</sup> The settlement prohibits Easy Healthcare from making misrepresentations regarding its privacy practices and included a \$100,000 civil penalty.<sup>68</sup> Like Amnion, the Premom app offers its ovulation and menstruation tracking app to consumers free of charge.<sup>69</sup> Unfortunately, the FTC does not appear to have jurisdiction over CPCs.<sup>70</sup>

Further, it is also unclear whether and to what extent Amnion shares the data it collects. When several senators sent a letter to Heartbeat International asking for information about its data practices, through counsel, the organization declined to explain how and with whom it shares client data.<sup>71</sup>

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using-or-sharing-consumer-health-information-look-hipaa-ftc-act-health-breach (instructing that entities should not “make false or misleading claims that [they] are ‘HIPAA Compliant,’ ‘HIPAA Secure,’ ‘HIPAA Certified’ or the like”).

<sup>64</sup> Kristin Cohen, Location, Health, and Other Sensitive Information: FTC Committed to Fully Enforcing the Law Against Illegal Use and Sharing of Highly Sensitive Data, *FTC Blog* (July 11, 2022), available at <https://www.ftc.gov/business-guidance/blog/2022/07/location-health-and-other-sensitive-information-ftc-committed-fully-enforcing-law-against-illegal>.

<sup>65</sup> *Id.*

<sup>66</sup> *U.S. v. Easy Healthcare Corporation*, CA No. 1:23-cv-3107, Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief (N.D. Ill. June 22, 2023) available at [https://www.ftc.gov/system/files/ftc\\_gov/pdf/2023.06.22\\_easy\\_healthcare\\_signed\\_order\\_2023.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/2023.06.22_easy_healthcare_signed_order_2023.pdf).

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> See FTC Act § 4, 15 U.S.C. § 44 (defining covered “corporations” to include those that are “organized to carry on business for its own profit or that of its members”).

<sup>71</sup> Jennifer Wright, What a Letter from Seven U.S. Senators Means for Heartbeat, *Heartbeat International*, available at <https://www.heartbeatinternational.org/what-a-letter-from-seven-us-senators-means-for-heartbeat> (last accessed Apr. 15, 2024); see also First Liberty Institute Senior Counsel Jeremy Dys, Letter to Sen. Warren, Re: Protecting

Given Amnion’s mission of protecting “the sanctity of all human life, born and unborn,”<sup>72</sup> and its affiliation with two organizations dedicated to “saving babies” from abortion, Amnion may be sharing information regarding pregnant clients with outside individuals, entities, or even members of law enforcement, in pursuit of its mission. Efforts by some state and local governments to criminalize procedural and medication abortions heighten the risk that sensitive medical information provided to Amnion could be disclosed to law enforcement officials where its clients may live or seek to travel.<sup>73</sup> Recognizing this growing risk, the Minnesota Legislature recently amended the MHRA to explicitly protect health records relating to reproductive health care services from disclosure pursuant to another state’s law or court order.<sup>74</sup> Yet, because the MHRA does not appear to apply to Amnion or CPCs like it, the sensitive reproductive health care information Amnion collects<sup>75</sup> is not protected. This is particularly troubling given that Amnion specifically targets women who “have crossed state lines seeking abortion services” and offers to “save you money by providing the early pregnancy medical services you need before an abortion.”<sup>76</sup>

The FTC has targeted companies for misleading consumers about why their information is being collected and how it will be used. In 2022, Twitter was ordered to pay \$150 million after it asked users to give phone numbers and email addresses to protect their accounts and then sold that data to advertisers in violation of a previous FTC order.<sup>77</sup> In 2021, the FTC targeted the fertility-tracking app FLO for sharing sensitive health information with third parties after promising that information would be kept private. This included sharing the health data (including information on pregnancy and menstruation history) consumers provided for the purpose of tracking period flow and ovulation with third party affiliates that provided services to the app.<sup>78</sup>

If Amnion is sharing client information which it has misrepresented as confidential, this too may violate Minnesota consumer protection laws. Minnesota courts have held that the misuse

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Life-Affirming Reproductive Health Facilities (Oct. 3, 2022), *available at* <https://firstliberty.org/wp-content/uploads/2022/10/Heartbeat-Intl-Warren-9-22FNL2.pdf>.

<sup>72</sup> Help Offer Hope, About Webpage.

<sup>73</sup> Selena Simmons-Duffin, New State Abortion Numbers Show Increases in Some Surprising Places, *National Public Radio* (Sept. 7, 2023), *available at* <https://www.npr.org/sections/health-shots/2023/09/07/1198016238/abortion-numbers-state-map-guttmacher-dobbs>.

<sup>74</sup> Minn. Stat. § 144.2935 (2023).

<sup>75</sup> Amnion provides “reproductive health care services” such that this provision would otherwise apply. *See* Minn. Stat. § 144.2935, subd. 1 (defining “Reproductive health care services” to mean “medical, . . . counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy”).

<sup>76</sup> Amnion Pregnancy Center, 4 Reasons to Start Here if Traveling to Minnesota for an Abortion (July 24, 2024), *available at* <https://www.amnioncpc.org/post/4-reasons-to-start-here-if-traveling-to-minnesota-for-an-abortion>.

<sup>77</sup> Federal Trade Commission, FTC Charges Twitter with Deceptively Using Account Security Data to Sell Targeted Ads, *FTC Blog* (May 25, 2022), *available at* <https://www.ftc.gov/news-events/news/press-releases/2022/05/ftc-charges-twitter-deceptively-using-account-security-data-sell-targeted-ads>.

<sup>78</sup> Federal Trade Commission, Developer of Popular Women’s Fertility-Tracking App Settles FTC Allegations that It Misled Consumers About the Disclosure of their Health Data, *FTC Blog* (Jan. 12, 2021), *available at* <https://www.ftc.gov/news-events/news/press-releases/2021/01/developer-popular-womens-fertility-tracking-app-settles-ftc-allegations-it-misled-consumers-about>.

and sharing of consumer information is a potential deceptive practice under both the DTPA and CFA.<sup>79</sup> Recently, your office has engaged in several multistate investigations over the misuse and failure to safeguard personal data and personal health information, including allegations surrounding misrepresentations about the security of personal health information in violation of the state's consumer protection laws.<sup>80</sup>

### *Intentional and Reckless Misrepresentation*

Amnion appears to be in violation of Minnesota's prohibition against fraud and intentional misrepresentation.<sup>81</sup> Consumers have a reasonable expectation of privacy in personal health information and would be unlikely to knowingly provide that information to an organization that does not maintain confidentiality or does not collect their data for the *purpose* claimed. Yet, knowing it is not a traditional medical office, Amnion misrepresents the privacy protections it offers to induce clients to rely on these misrepresentations and share their sensitive health information.

It is difficult to see Amnion's pattern of misrepresentation as anything but intentional. Minnesota, however, also prohibits reckless misrepresentation where the speaker "is conscious of ignorance of the truth, or realizes that the information on which he or she relies is not adequate or dependable enough to support such a positive, unqualified assertion."<sup>82</sup> In short, whether or not Amnion is aware its claims of confidentiality are inaccurate, it has a responsibility to investigate those claims and ensure it is relying on adequate and dependable information to support those representations.

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<sup>79</sup> *Minnesota ex rel. Hatch v. Fleet Mortg. Corp.*, 158 F. Supp. 2d 962, 967 (D. Minn. 2001)(dealing with the disclosure of consumer information to partners without consumer consent); *see also State ex rel. Hatch v. Cross Country Bank, Inc.*, 703 N.W.2d 562 (Minn. Ct. App. 2005)(dealing, in part, with debt collectors sharing client information with their colleagues and work supervisors).

<sup>80</sup> *See e.g.* Attorney General Keith Ellison, Press Release, [Attorney General Ellison Reaches Settlement in Data Breach Impacting 113K Minnesotans](https://www.ag.state.mn.us/Office/Communications/2023/10/23_Inmediata.asp), (Oct. 12, 2023), available at [https://www.ag.state.mn.us/Office/Communications/2023/10/23\\_Inmediata.asp](https://www.ag.state.mn.us/Office/Communications/2023/10/23_Inmediata.asp); Attorney General Keith Ellison, Press Release, [Attorney General Ellison Reaches Settlement with Blackbaud for Data Breach](https://www.ag.state.mn.us/Office/Communications/2023/10/05_Blackbaud.asp) (Oct. 5, 2023), available at [https://www.ag.state.mn.us/Office/Communications/2023/10/05\\_Blackbaud.asp](https://www.ag.state.mn.us/Office/Communications/2023/10/05_Blackbaud.asp); Attorney General Keith Ellison, Press Release, [Minnesota Joins \\$16M Settlement over 2012 and 2015 Experian Data Breaches](https://www.ag.state.mn.us/Office/Communications/2022/11/07_Experian.asp) (Nov. 7, 2022), available at [https://www.ag.state.mn.us/Office/Communications/2022/11/07\\_Experian.asp](https://www.ag.state.mn.us/Office/Communications/2022/11/07_Experian.asp); Attorney General Keith Ellison, Press Release, [Attorney General Keith Ellison Announces Multistate Settlement with American Medical Collection Agency Over 2019 Data Breach](https://www.ag.state.mn.us/Office/Communications/2021/03/11_AMCA.asp) (Mar. 11, 2021), available at [https://www.ag.state.mn.us/Office/Communications/2021/03/11\\_AMCA.asp](https://www.ag.state.mn.us/Office/Communications/2021/03/11_AMCA.asp); Attorney General Keith Ellison, Press Release, [Attorney General Ellison Reaches Settlement in Data Breach Affecting 38,000 Minnesotans](https://www.ag.state.mn.us/Office/Communications/2019/07/11_PremeraSettlement.asp), (Jul. 11, 2019), available at [https://www.ag.state.mn.us/Office/Communications/2019/07/11\\_PremeraSettlement.asp](https://www.ag.state.mn.us/Office/Communications/2019/07/11_PremeraSettlement.asp); and Attorney General Keith Ellison, Press Release, [Attorney General Ellison Announces Settlement in Data Breach Affecting 8,000 Minnesotans](https://www.ag.state.mn.us/Office/Communications/2019/05/30_HIPAADataBreachSettlement.asp), (May 30, 2019), available at [https://www.ag.state.mn.us/Office/Communications/2019/05/30\\_HIPAADataBreachSettlement.asp](https://www.ag.state.mn.us/Office/Communications/2019/05/30_HIPAADataBreachSettlement.asp).

<sup>81</sup> *P.T. Medisafe Techs. v. Preventive Care, Inc.*, No. 14-CV-974 (JNE/FLN), 2016 WL 1192659, at \*5 (D. Minn. Mar. 28, 2016)(citing *M.H. v. Caritas Family Servs.*, 488 N.W.2d 282, 289 (Minn. 1992)).

<sup>82</sup> *Reynolds v. Concordia Univ.*, No. 21-CV-2560 (ECT/DTS), 2022 WL 1323236, at \*16 (D. Minn. May 3, 2022)(internal citations omitted); *see also Zutz v. Case Corp.*, 422 F.3d 764, 770 (8th Cir. 2005);

*Invasion of Privacy and Intrusion Upon Seclusion*

Amnion similarly may be in violation of Minnesota's prohibition on intrusion upon seclusion.<sup>83</sup> The loss of privacy or "diminished value of private information" is a cognizable harm in the state.<sup>84</sup> If Amnion is intercepting or sharing sensitive health information of its consumers, it would be violating those consumers' rights under state common law.<sup>85</sup> Notably, the attorney general has common law authority under the *parens patriae* doctrine and has an interest in bringing a legal action where the health and well-being of the state's residents is impacted.<sup>86</sup>

**CONCLUSION**

Minnesota consumers undoubtedly have been and continue to be misled by Amnion's misrepresentations. Campaign for Accountability requests your office investigate whether Amnion is violating Minnesota's CFA and DTPA by engaging in deceptive or unfair trade practices, and whether it has violated the state's prohibitions against intentional and reckless misrepresentation or intrusion upon seclusion. Just as the FTC has taken action against corporations that have misled consumers about the collection of their personal data and with whom it is shared, so too should the state of Minnesota. The women and girls of Minnesota are relying on you.

Thank you for your prompt attention to this important matter.

Sincerely,



Michelle Kuppersmith

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<sup>83</sup> *In re Grp. Health Plan Litig.*, No. 23-CV-267 (JWB/DJF), 2023 WL 8850243, at \*2 (D. Minn. Dec. 21, 2023)(citing *Lake v. Wal-Mart Stores, Inc.*, 582 N.W.2d 231, 233 (Minn. 1998)).

<sup>84</sup> *In re Grp. Health Plan Litig.*, No. 23-CV-267 (JWB/DJF), 2023 WL 8850243, at \*6 (D. Minn. Dec. 21, 2023).

<sup>85</sup> *In re Grp. Health Plan Litig.*, No. 23-CV-267 (JWB/DJF), 2023 WL 8850243, at \*3 (D. Minn. Dec. 21, 2023)(reasoning that intercepting and sharing sensitive health information is highly offensive to a reasonable person).

<sup>86</sup> *State v. HavenBrook Homes, LLC*, No. 62-CV-22-780, 2022 WL 3640177, at \*7 (Minn. Dist. Ct. Aug. 01, 2022)(internal citations omitted); see also *State v. Standard Oil*, 568 F.Supp. 556, 563 (D. Minn. 1983).

# EXHIBIT 1

# 1 | UNDERSTANDING CONFIDENTIALITY AND RELEASE OF INFORMATION



*“Now it is required that those who have been given a trust must prove faithful.” — I Corinthians 4:2*

Centers maintain the highest standards in protecting the confidentiality and privacy of their clients. Each center should inform clients of its promise of confidentiality, both verbally and in writing, prior to providing services. Keeping this promise is essential for building and maintaining client trust and is the responsibility of every center team member.

## **Training**

Centers should establish practices that ensure the confidentiality of client relationships. For example, center staff should not identify themselves as such when leaving telephone messages for clients, except with the clients’ written permission. Center personnel must be trained to carefully protect the center’s promise of confidentiality, in interactions both within the center and with people outside the center. Because the center’s promise of confidentiality applies to all clients, it must be regularly reinforced throughout the organization. It applies to all types of client records and interactions: to clients who receive individual coaching or group classes, for programs as diverse as abortion recovery support and parenting mentoring.

## **Legal Considerations for External Confidentiality**

Confidential client information should never be shared outside the center, except in very limited and specific circumstances. Confidential information includes all personally identifying details about a client or their situation, including confirmation that a specific individual is or is not a client of the center.

Certain personnel in some centers may also have a legal obligation to protect the confidentiality of certain communications with clients. In most states, the conversations individuals have with their own medical professionals, attorneys, clergy, or licensed professional counselors are legally privileged and may not be disclosed, except in rare circumstances. While this legal privilege and responsibility does not apply to interactions between clients and unlicensed personnel at nonmedical centers, all team members have an ethical obligation to keep promises of confidentiality made by the center to clients. If a center team member inappropriately breaches the center’s promise of confidentiality, the center could be held liable in a civil suit.

Some possible exceptions<sup>1</sup> to the promise of confidentiality include:

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<sup>1</sup> *These are general exceptions and do not apply in every state. Centers should confirm what the law requires in their state.*

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- when an adult client has given written permission allowing the center to share her records with a third party or to share her story publicly;
  - when interaction with the client results in suspicion that a minor, disabled person, or dependent elder is abused, neglected, or endangered;
  - when center personnel believe that the client is at risk of harming themselves or others, or poses a national security threat;
  - when the information is compelled by law, such as when the center has obtained a subpoena or court order and an attorney representing the center has advised the center to comply;
  - when a “client” has obtained services under false pretenses, such as using the visit to produce an untruthful report on behalf of a pro-abortion advocacy organization;
  - when a client has committed some crime against the center or is posing a threat to center personnel;
  - when a client has filed a lawsuit against the center—in this case, documents may be provided to the court.

In these limited situations, confidential client information may be revealed outside the center. When this occurs, center personnel should carefully record all steps taken and retain relevant documents in the client’s file.

### **Internal Confidentiality**

In addition to avoiding sharing confidential client information with persons outside the center, personnel should also keep client identifying details limited to those persons who need to know them within the center.

It is always appropriate for team members to share details with their supervisor in order to seek direction. It is also appropriate to discuss a client’s situation and share case notes with other team members providing care to the same client. In some situations, it may be necessary and appropriate for center staff members (not volunteers) to share non-identifying details about a client’s situation with Care Net or an experienced leader in another center, in order to seek advice on case management.

When sharing a portion of a client story for internal training purposes, it is also important to remove identifying details and/or to create training scenarios based on multiple stories in order to protect the confidentiality of individual clients.

Confidential information about clients should never be shared among staff and volunteers (including board members) as a prayer request or simply because it is an interesting, sad, humorous, or unusual anecdote.

### **Protecting Records**

To aid the center in offering services to the community, the center keeps written records of its interaction with individual clients. These records are owned by the center and subject to the center’s document retention policies; original files should not be given to anyone.

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Confidentiality of client files should be maintained not only by training personnel, but also by sound center security practices. Hard-copy files should be stored in a lockable filing cabinet in a lockable room, with access to the keys limited to appropriate personnel. Electronic files should be maintained in a password-protected environment with appropriate encryption levels.<sup>2</sup>

The client may have the legal right to request and receive a copy of all, or any portion, of their record for themselves or for a third party that they designate, depending on the state law governing the center. The client may also have the right to allow the center and center-related entities to use their story and related materials (such as photographs) for promotional purposes.

Anyone requesting the client's information, besides the client, the client's power of attorney, or the client's attorney, should be refused. If a subpoena is issued for the information from anyone other than the client or the client's attorney, the center should:

1. Seek legal counsel to challenge the subpoena, and
2. Inform the client prior to complying with the subpoena and advise them of their right to retain counsel to challenge the subpoena.

Before providing a client or any third party with a copy of the client's records, the center should receive a written request for release of the records, which should be signed by the client, if possible, and should be maintained in the client's file. The center should only release the specific information that the client has requested be released and should take steps to verify the client's identity before releasing the information. Information should be released within the time frame specified by center policy and state law. If the client has requested ongoing information sharing between the center and any third party, such permission should automatically expire on a certain date. The client may also revoke permission to release information at any time.

Some centers refuse to provide clients who may be seeking an abortion with copies of medical records which could be used to facilitate obtaining one. Centers should be aware that state laws protecting rights of conscience may not be interpreted to include refusal to release client medical records, and the client may, in fact, have a right to a copy of these records. Such centers should carefully review state law with their attorneys before denying any client access to a copy of her medical records for any reason. Such centers should also consider the benefit of maintaining the client relationship by releasing the records. Also, the practice of a center's medical director in this situation should be consistent with their practice in other settings, such as with private clients.

### **Use of Client Testimonials**

The center should ensure that any situation in which the client is provided with an opportunity to share their story for the benefit of the center is non-exploitative. Invitations to share a client story or image should only be extended when the client is not in a time of active crisis. Center personnel should make their best efforts to ensure that the client understands how their story may be used and freely consents to such use. Clients should also understand that receiving services in the future is in no way conditioned on allowing the center to use their stories and that they have the right to seek

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<sup>2</sup> *Appropriate encryption levels are equivalent to current standards for medical information, personally identifying information, or financial information. At the time of this writing, 256-bit encryption was appropriate.*



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legal counsel before consenting. The center should not share any identifying client details publicly without clients' informed, written consent.

### **Other Considerations**

Each center will have other information which should be handled confidentially, likely including employee and volunteer contact information, identifying information related to specific donors, prospective budgets, and nonpublic financial details.

All personnel should understand the value the center places on protecting confidential information and that sharing such information may lead to sanctions, up to and including termination of employment or volunteer service.

# CLIENT CONFIDENTIALITY POLICY TEMPLATE (page 1)

[PLACE LOGO HERE IN HEADER]

## CLIENT CONFIDENTIALITY POLICY

### GENERAL GUIDELINES

[Center Name] values the protection of confidential information. During the course of service for [Center Name] an employee or volunteer may learn confidential information, such as financial, personal, or medical matters affecting the lives of other employees or volunteers, or those served by [Center Name], or those affecting the business operations of [Center Name]. Unauthorized sharing of such information is prohibited.

### CLIENT CONFIDENTIALITY

Every client seen at [Center Name] is promised confidentiality and every center team member has a duty to uphold confidentiality, unless an exception applies. Some exceptions include when disclosure is required by law, or there exists morally compelling circumstances to break confidentiality, or when disclosure is necessary to protect the client or others from serious, foreseeable, and imminent bodily harm, or when the center is engaged in a criminal or civil dispute with the client.

In almost all other situations, client information, including identity, may only be shared with the client's written permission. When in doubt, the center should consult a local attorney knowledgeable in healthcare and/or counseling law.

Every client of [Center Name] signs a [Request for Services] form acknowledging their understanding of the center's promise of confidentiality and its limitations prior to beginning to receive services at the center. This form includes the following disclaimer:

#### [CHOOSE ONE]:

All information shared by you during your relationship as a client with this center will be kept in strict confidence except as required by law or as required for the protection of you or others.

#### — OR —

This center holds in strict confidence the information you provide with the following exceptions: due to concern for your safety and/or state law, we are required to report knowledge of a client who is suicidal, homicidal, abusing a minor, a minor being abused, or a victim of statutory rape, or when otherwise required to disclose such information by law.

### EXPLANATION OF EXCEPTIONS TO CLIENT CONFIDENTIALITY

**Subpoenas**—Center personnel shall comply with subpoenas for client information. [See policy on subpoenas.]

**Public Health**—Center personnel shall release client information related to infectious diseases as required to the appropriate public health agency. [See policy on infectious disease reporting.]

**Suicide/Homicide**—Center personnel shall report to law enforcement credible threats of suicidal or homicidal intentions. [See policy on suicide/homicide reporting.]

Last updated: [date]. Approved by [CEO or Board of Directors], [Center Name]  
Client Confidentiality Policy 02017 Care Net

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*MEDICAL CENTERS ONLY.  
Centers offering only support  
services may delete this section.*

# CLIENT CONFIDENTIALITY POLICY TEMPLATE (page 2)

[PLACE LOGO HERE IN HEADER]

**Child Abuse/Neglect or Elder Abuse/Neglect**—Center personnel shall act as mandatory reporters under state law, reporting suspicions of child abuse or neglect to law enforcement and/or the appropriate child protection agency. [See policy on child abuse/neglect.]

**Fake Clients**—When it has been confirmed beyond a reasonable doubt that the “client” has obtained services under false pretenses, such as using the visit to produce an untruthful report on behalf of a pro-abortion advocacy organization, the center may disclose the circumstances of the visit to the extent necessary to defend its practices from falsehoods.

**Legal Disputes with the Center**—When the client has committed some crime against the center or is posing a threat to center personnel, or when the client has filed a lawsuit against the center, the center may disclose that information which is necessary to defend itself or seek justice.

## ACCESS TO CLIENT INFORMATION

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Client files and personally identifying information shall be maintained securely. Only personnel having a legitimate need may access this information.

*[CHOOSE ONE OR BOTH]:*

Hard-copy files shall be stored in a lockable filing cabinet in a lockable room. When the center is closed, all client files shall be locked and the room also locked. When the room or filing cabinet is unlocked, access to the files should be supervised by authorized personnel who can ensure they are only accessed by other authorized individuals. Keys shall only be available to center personnel who are authorized to access the files.

**— AND/OR —**

Electronic files shall be password protected and accessible only through a password-protected computer. Passwords should be difficult to guess, changed every ninety days, and never stored where they may be accessed by unauthorized persons.

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Under no circumstances may hard-copy information leave the center premises nor may electronic information be shared with unauthorized persons.

When anyone other than a client requests information concerning a client, including verification of the identity of a client, that request will be refused unless the client’s written permission has been obtained or a subpoena or court order is issued. Client information is not given over the phone to anyone unless written permission has been obtained (this includes relatives, partners, medical personnel, government agents, etc.).

## CLIENT RECORD RETENTION & INTEGRITY

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The center shall maintain the original record of each client for seven years, or seven years from the date of the client’s majority, whichever is longer. In no circumstances shall this record be destroyed or altered prior to that time. After that time, the client’s record may be securely destroyed.

# CLIENT CONFIDENTIALITY POLICY TEMPLATE (page 3)

[PLACE LOGO HERE IN HEADER]

## RELEASE OF CLIENT INFORMATION

A client requesting a copy of their own records or requesting that the record or any portion thereof be released to a third party shall make that request in writing, specifying what portion of the record is to be released, and when the permission to share the record expires, prior to center releasing any copy of the record. The center shall make a/an [healthcare privacy practices] authorization to release information form available to the client for this request and the center shall also accept any equivalent form from another agency, institution, or healthcare provider. Along with the written request, the center shall verify the client's identity by (a) requesting a copy of the client's government-issued photo identification, and/or (b) comparing the signature on the written request with the client's signature on another form in the client's file. A copy of the authorization to release information form shall be maintained in the client's file.

Within the center, confidential client-identifying information is shared only with persons who have a legitimate need to know. Personnel should not gossip about clients or their situations. Prayer requests should be general and should contain no client-identifying information.

### [CHOOSE ONE]:

The center only contacts clients in ways that the client has authorized in writing and shares only the types of information authorized by the client in those ways.

### — OR —

Center personnel do not identify themselves when leaving phone messages for clients.

## CLIENT STORIES

Clients who have benefitted from the services of the center may be invited to share or permit the center to share their stories or related information (including photos or videos of the client and/or minor children). Invitations to share client experiences are unpressured and noncoercive. [Center Name] strives to make the sharing experience empowering rather than exploitive for clients by informing clients of how their story and/or images may be used, that receiving continued services from the center is never conditioned on allowing the center to use their story or images of them or their child, and that they have the right to seek legal counsel prior to allowing use of their story and/or images. A signed form signifying this understanding shall be obtained prior to use of any client's story and/or images and this form shall be maintained in the client's file.

## DONOR/SUPPORTER INFORMATION

Nonpublic information about current, former, or prospective donors and supporters of [Center Name], including their identity, is treated as confidential and may not be shared outside of the center or with personnel who do not need access to the information.

## TRAINING

All personnel, including volunteers and staff, are trained to comply with these procedures.

*MEDICAL CENTERS ONLY.  
To the extent applicable, this should be a  
HIPAA-compliant document. (Note:  
Pregnancy centers are not legally  
required to be HIPAA compliant unless  
they are billing for services  
electronically.)*

# CLIENT ADVOCATE/PREGNANCY DECISION COACH POSITION DESCRIPTION (page 1)

[PLACE LOGO HERE IN HEADER]

## CLIENT ADVOCATE/PREGNANCY DECISION COACH POSITION DESCRIPTION

**Objective of the Position:** As an ambassador of Jesus Christ, the [coach/advocate] offers compassion, hope, help, and Christ-centered support to [Center Name] clients making a pregnancy decision or coping with the results of their choice.

**Reports to:** [Center Director/Client Services Director]

**Status:** [Exempt/Nonexempt/Volunteer], [Full-time/Part-time/# hours per week (if volunteer)]

### Minimum Qualifications:

- Committed Christian who demonstrates a personal relationship with Jesus Christ as Lord and Savior.
- Possesses a strong commitment and dedication to [Center Name]'s pro-life position.
- Agrees with and can uphold [Center Name]'s:
  - Statement of Faith
  - Mission & Vision
  - Core Values
  - Commitment of Care and Competence
  - Policies
- Able to work with people of a diversity of cultures and Christian denominations, backgrounds, and traditions.
- Able to compassionately and respectfully serve clients of diverse religious faiths and those professing no faith at all.
- Dependable and emotionally stable.
- Understands basic interpersonal dynamics and is able to adjust coaching style to different personalities.
- Familiar with how to share the life-transforming love of Christ through the gospel and able to apply scriptural principles to a wide variety of personal challenges and life situations.
- Completed [Center Name]'s training for this specific role and all applicable prerequisite training.
- High school diploma or equivalent.

### Preferred Qualifications:

- Associate's degree or above.
- Experience providing peer counseling/support to clients in a pregnancy center.
- Experience in customer service, crisis hotline response, addiction recovery care, or other types of lay support for people experiencing difficult situations.

### Core Responsibilities:

- Provide crisis intervention support for each client in an atmosphere of warmth and compassion through listening and other helping skills.
- Provide accurate information on abortion, parenting, adoption, and foster care.
- Offer support, material resources, and referrals appropriate to a client's situation.
- Look for appropriate opportunities to share the love of Jesus and his plan of salvation with clients
- Appropriately follow up with clients.
- Comply with [Center Name] requirements for continuing education in this role and seek out relevant statistics and information relating to pregnancy, abortion, and adoption.
- Maintain client records appropriately.

Client Advocate/Pregnancy Decision Coach Position Description ©2017 Care Net

# EXHIBIT 2



Amnion Pregnancy Center

Oct 16, 2023



Questions about birth control or Plan B? Think you may possibly be pregnant? Amnion Pregnancy Center can answer any questions you have and provides free, confidential pregnancy services in Burnsville, MN.

[Learn more](#)



# EXHIBIT 3





Amnion Pregnancy Center

Aug 9, 2023



We believe women making reproductive health decisions deserve a place that does not financially benefit from any choice they make. Amnion Pregnancy Center in Burnsville, MN provide free services without the sales pitch because we put you first here.

We're a free alternative to Planned Parenthood providing free services including (but are not limited to):

- In-clinic pregnancy tests
- Ultrasound confirmation
- Options consultations including information on pills and procedures
- Medical referrals
- Abortion recovery
- Education on STDs, pregnancy, parenthood, and more

Contact us to learn more!

[Learn more](#)

# EXHIBIT 4



Amnion Pregnancy Center

Oct 18, 2023



Some of the top questions we hear from women in the greater Minneapolis area are:

- How far along am I? How do I calculate my due date?*
- How much does an abortion cost at a clinic?*
- Where can I get a free pregnancy test or ultrasound?*
- How early can pregnancy be detected?*
- Is the abortion pill by mail safe?*

If you think you may be pregnant or have had a positive home test, contact Amnion Pregnancy Center in Burnsville, MN today for free consultations and reproductive health services.

[Learn more](#)

