

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on April 29, 2004 in Room 519-S of the Capitol.

All members were present except:

Representative Broderick Henderson- excused
Representative John Edmonds- excused
Representative Judy Morrison- excused
Representative Ruby Gilbert- excused
Representative Tom Burroughs- excused

Committee staff present:

Russell Mills, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Dennis Hodgins, Legislative Research Department
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

Attorney General Phill Kline
Thomas D. Williams, Special Agent in Charge, Office of the Attorney General's office

Others attending:

See Attached List.

Attorney General Kline held a briefing regarding safety, health and sanitary conditions at Affordable Medical and Surgical, 1030 Central Avenue, Kansas City, Kansas, an abortion clinic operated by Dr. Krishna Rajanna. A packet of information (Attachment 1), was distributed to Committee members which included:

- A not to scale diagram of Affordable Medical and Surgical, 1030 Central Avenue, Kansas City, Kansas.
- Redacted statement of Detective William L. Howard, Kansas City, Kansas Police Department
- Affidavit of Dr. Gary Yarbrough, Family Practitioner, Parsons, Kansas
- Statement of Dr. John R. Toth, Family and Obstetrical Care, Topeka, Kansas
- Affidavit of Dr. Leslie A. Chorum, Family Practice Physician, Kansas City, Kansas

A power point presentation viewing photos from inside the clinic was followed by questions regarding the status of pending investigations by the Board of Healing Arts; Attorney General's lack of authority to address this issue; and concern for the confidentiality of past medical recipients of the clinic.

The meeting adjourned at 2:15 p.m. The Chairman approved the minutes from 4-29-2004.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE April 29, 2004

<u>NAME</u>	<u>REPRESENTING</u>
Leah Tucker	Kansas Attorney General's Office
Mark Pederson	Aid For Women, 720 Central Ave, KCKS
Jim Whitaker	Intern - Rep Long-mast
Peggy mast	Ks Leg. #76 H
Mike Farmer	Kansas Catholic Conference
Leena Mallal	Right To Life of Ks
Elmer Feldman	Right to Life of Kansas
Ed Red	Attorney General's Office
Capitewy Ostrowski	KFL
James Gawdu	KFL
Eugene J. Stupp	KFL -
Linda Norris	PPKM
Jennifer McAdam	PPKM
Anna Holcombe	Kansas Now
STEVE KEARNEY	KCDMA
Hal W Smith	TLO
Julia Wagle	intern
Bob Hanson	TLO, ^{Shannon Heights} Southern Baptist Ch
Terry Fox	Emmanuel BAPTIST WICHITA, KS
JOE WRIGHT	CENTRAL CHRISTIAN CHURCH WICHITA, KANSAS
Matthew Johns	Intern for Rep. Sue Storm

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE

4/30/08

<u>NAME</u>	<u>REPRESENTING</u>
Tim Huelskamp	Senator
Dennis Quill	Capitol Ministries
Amy Campbell	MW Energy



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

MEMORANDUM

TO: The Honorable Bill Mason
Chairman, House Committee on Federal and State Affairs

FROM: Phill Kline, Kansas Attorney General

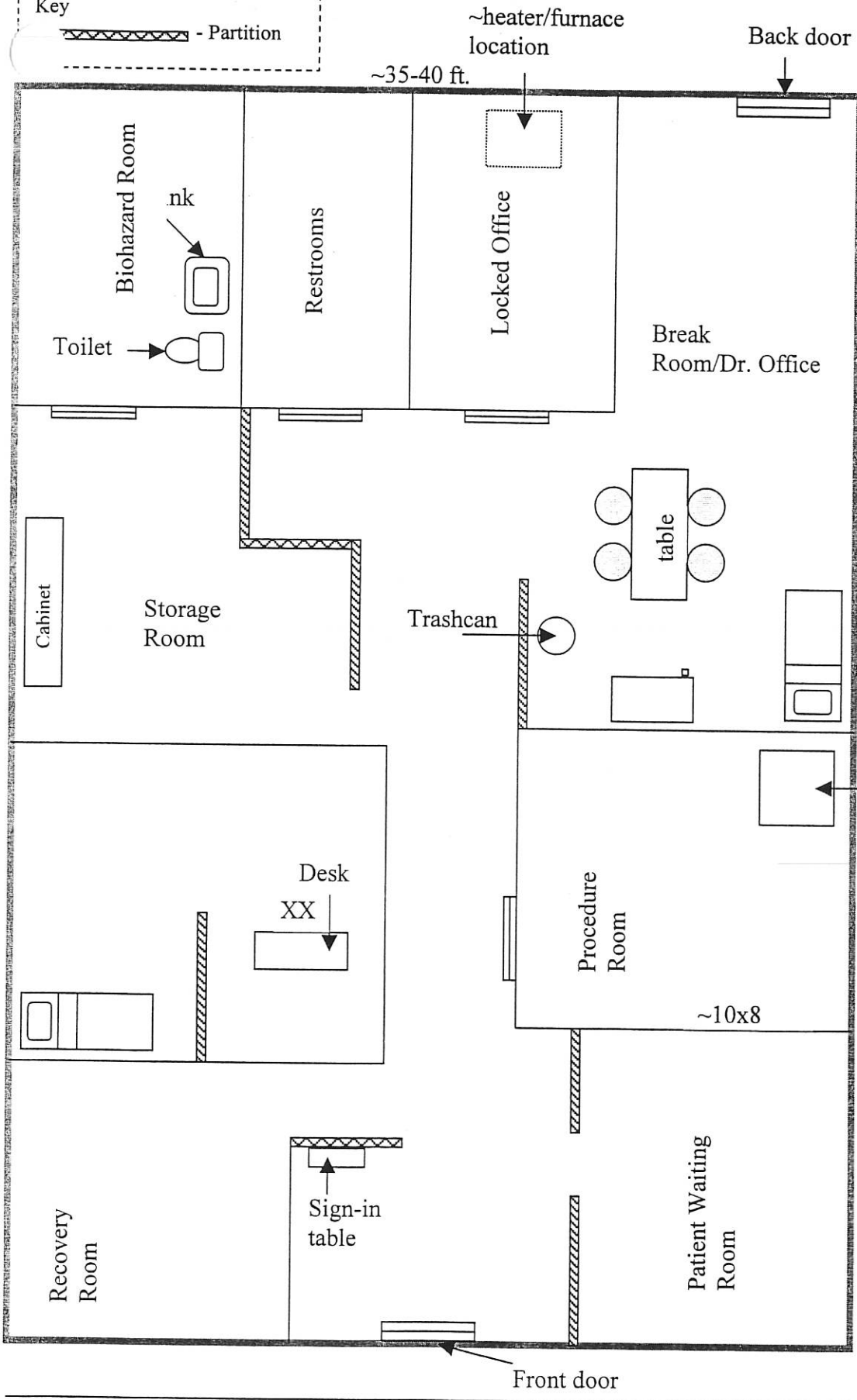
DATE: April 29, 2004

RE: Dr. Krishna Rajanna, d/b/a Affordable Medical and Surgical

On April 29, 2004, the House Committee on Federal and State Affairs will receive testimony from Attorney General Phill Kline and Thomas D. Williams, Special Agent in Charge of the Investigation Division for the Kansas Attorney General's Office regarding safety, health and sanitary conditions at Affordable Medical and Surgical, 1030 Central Avenue, Kansas City, Kansas. To aid you in gaining an understanding of the facts and circumstances that will be presented, the following are provided for your review and consideration:

1. A not to scale diagram of Affordable Medical and Surgical, 1030 Central Avenue, Kansas City, Kansas, an abortion clinic operated by Dr. Krishna Rajanna.
2. Redacted statement of Detective William L. Howard, Kansas City, Kansas Police Department.
3. Affidavit of Dr. Gary Yarbrough, Family Practitioner, Parsons, Kansas
4. Statement of Dr. John R. Toth, Family and Obstetrical Care, Topeka, Kansas
5. Affidavit of Dr. Leslie A. Chorum, Family Practice Physician, Kansas City, Kansas.

HS Fed & State Affairs
April 29, 2004
Attachment 1



Dr. Krishna Rajanna
 1030 Central Ave.
 Kansas City, KS

Central Avenue

Statement of Det. William L. Howard, Jr. KCKPD:

On September 18th, 2003 I initiated my investigation of a reported theft concerning the offense report of alleged victim, **Dr. Rajanna, Affordable medicine at 1030 Central Ave, in KCK.** At 0830 hours, Det. Steven Mansaw and I met with Dr. Rajanna at his clinic. Going to the Clinic I did not know that this was an abortion clinic and thought it was a local Dr.'s office. Sometime during the interview we were told that this was an abortion clinic. Dr. Rajanna took us to the rear area of his clinic, which could be described as a break room. There he told us of several employees who he held responsible for missing money from his business. During this interview phase Det. Mansaw and I made several observations. Here are a few of those terms we used to describe our experience at this site:

- **"Filthy"** - First, we noted that the clinic appeared dirty. The back area was very dark and dingy looking. Poor lighting and sort of musty. There were dirty dishes in the sink and on the tabletop, trash everywhere, and roaches crawling across the countertops. There was an unfamiliar type stench in the room. Frankly, I was reluctant to sit down. On the way out Det. Mansaw observed (and would later tell me) that the "procedure room" was filthy looking when he looked in it. He told me that he saw dried blood on the floor in this room and the room looked "nasty" to him.
- **"Disorganized"** - Papers and other miscellaneous documents were strewn about causing there to be "clutter" everywhere. Dr. Rajanna apparently kept very poor records. He could not recall when these alleged events had occurred nor was he organized enough to locate any documents to support his allegations. I also noticed that the females around him seemed to be running everything. Under normal circumstances this would not be a problem, but as we met with the assistants in his office I got the distinct impression that they were probably high school dropouts. Barely out of their teens most of them. I got the impression that one of them only spoke Spanish. I looked at the patient sign in sheet as part of the investigation to determine who might have had opportunity to steal the cash. As I recall the sign in sheet was nothing official looking, just notebook paper.
- **"Un-kept"** - We noted that Dr. Rajanna's appearance itself was one that I would describe as un-kept. His personal hygiene seemed a little lacking. (Hair messy, hands dirty, clothing wrinkled and stained ECT.)

I contrast this experience against my visits to other Doctor offices. For example, my children's own pediatric Doctor, Dr. Jayramm. I will use this example because Dr. Jayramm is also a person of Middle Eastern decent who has migrated to the USA to start a practice. He also speaks with a heavy accent and I believe both are from India/Pakistan area. In stark contrast however, Dr. Jayramm is very neat and clean. (personal hygiene). His clothing is very clean, crisp looking. He has an impeccable personal appearance and demeanor. Dr. Jayramm's office is very clean. It is filled with competent staff that is

knowledgeable about medical issues. Dr. Jayramm has a well-lit office with rooms that are always clean, and orderly looking. There are containers for medical wastes in each room and those containers also have universally recognized hazardous wastes labels on them. Dr. Jayramm appears very organized and competent. Dr. Jayramm keeps meticulous notes on each visit and is quick to assist you with information on prior visits.

I should say that the investigation became unfounded after interviewing the bank employees from Industrial State Bank who related that Dr. Rajanna has such loose practices concerning payroll checks, that the fraud could never be verified. Apparently the employees are allowed to write out their own payroll checks because apparently Dr. Rajanna's printing is difficult to read. I was also given several checks for comparison to verify this. His signature is a scribble mark.

I interviewed the employees accused of the theft/fraud who gave a similar story. I received cooperation from the former employees who were treated as suspects, Mirandized and eventually provided full statements. In the statement [REDACTED] I was told of grotesque things, which were alarming and disturbing. [REDACTED] related how Dr. Rajanna was a filthy man who did not properly sterilize his equipment. The medical equipment was cleaned with Clorox and water then put in a "dishwasher". The aborted fetuses were placed inside of Styrofoam cups and put in the refrigerator freezer next to T.V. Dinners. [REDACTED] went on to describe how [REDACTED] actually witnessed Rajanna microwave one of the aborted fetuses and stir it into his lunch. [REDACTED] claimed that [REDACTED] shared this with some of the other employee's who confirmed that they had seen him do the very same thing.

I became so disturbed by this that I contacted District Attorney Nick Tomasic and requested an audience with his office concerning this clinic. Bear in mind, I am a hardened police officer who has spent the last five years working homicide investigations with countless community deaths and numerous autopsies. I thought I had heard and seen every vile, disgusting side of society but was in for a new shock when I started this investigation. Nick Tomasic permitted me some time to talk with him so I brought the witness directly to his office [REDACTED] who told in the first person of the practices [REDACTED] had witnessed. I repeatedly warned [REDACTED] not to exaggerate and [REDACTED] was also told that [REDACTED] could be prosecuted for any false statements made from this moment forward but that the prior statements would not be prosecutable. [REDACTED] told the exact same story.

To my shock and amazements, no laws had been violated. Mr. Tomasic provided to me a list of people that I could contact (I no longer have that list) to complain to about this clinic. I contacted the numbers on the list and was told that numerous complaints have been made about the clinic but no laws have been violated. I was told to have the witnesses contact these numbers and make a complaint. I then printed out a copy of those numbers (of the e-mail from the district attorneys office) and deleted the e-mail. I gave [REDACTED] a copy of that e-mail and told [REDACTED] to complain to the offices listed (which I believe were the board of healing arts and hazardous waste disposal center or something close to that).

AFFIDAVIT

State of Kansas)
) SS:
County of Labette)


I, Gary Yarbrough, M.D. being first duly sworn, on oath, depose and say that:

1. I am a Board Certified Family Physician. I graduated from the University of Kentucky Medical School in 1980 and completed a Family Practice residency program in 1983. I have practiced medicine in the state of Kansas since 1994. I am currently a solo practitioner and do perform minor surgical procedures in my medical office.
2. As a medical professional, I serve as Chairman of the Department of Family Practice at the Labette County Medical Center, Parsons, Kansas. I also serve as Chairman of the hospital-wide Ethics Committee. Attached is my Curriculum Vitae.
3. I have reviewed 27 color photographs that were reportedly taken of the interior rooms and areas of a medical clinic operated by Dr. K. Rajanna at 1030 Central Avenue, Kansas City, Kansas. In addition, I have also reviewed a not-to-scale diagram of the interior of the medical clinic. These items were made available for my inspection by a representative of the Kansas Attorney General's Office who provided a general explanation of the scenes and items depicted.
4. I was requested to review the photographs and diagram in an attempt to determine whether the conditions that existed at the clinic, as depicted in the photographs, met the minimal health and safety standards for a medical clinic. The criteria I relied upon to conduct the review and render a professional opinion were based on accepted standard medical practice procedures, common sense precautions against the spread of communicable diseases, and O.S.H.A. regulations for the protection of health care workers.
5. I found that several of the practices, protocols and conditions apparently in place at the clinic on the date photographed significantly conflicted with the criteria standards used for comparison.
6. The presence of a carpeted floor in a medical procedure room as depicted in photograph numbers 3A, 6A and 7A poses a significant health hazard. It is impossible to adequately clean carpet exposed to blood and other biological substances.

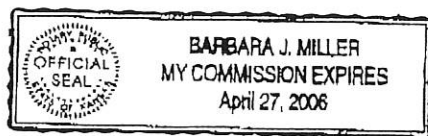
7. The commingling of food products, medicines and injectables, and human biological tissues and fluids in a common refrigerator/freezer as depicted in photograph numbers 17A, 18A, 19A, 21A, 22A and 23A violates common sense health standards and OSHA regulations for the protection of health care workers. OSHA regulations mandate each of these categories of substances must be stored in separate refrigerators to prevent cross-contamination.
8. The presence of rat/rodent poison and visible rat dropping as depicted in photograph number 15A is inconsistent with common sense standards of sanitation and cleanliness.
9. As a family doctor I know from my professional training and experience that overall the clinic failed to maintain minimal standards of cleanliness and sanitation.


Gary Yarbrough, M.D.

Subscribed and sworn to before me on 28th day of April, 2004.


Notary Public

My Appointment Expires: 04-27-06



CURRICULUM VITAE

Gary Yarbrough, M.D., A.B.F.P.
1721 Main Street
Parsons, KS 67357-3338

Personal Data:

DOB: 11/22/48
Birthplace: Norfolk, VA
Citizenship: United States
Family: wife Dianne, four children, five grandchildren

Education:

Undergraduate:
California Institute of Technology, Pasadena, CA 1966-68
University of Arizona, Tucson, AZ 85700 1973-76
Medicine:
St. Louis University, St. Louis, MO 1976-78
University of Kentucky, Lexington, KY 40511 1978-80
Residency:
University of Kentucky, Department of Family Practice, 1980-83

Degrees:

BA, Summa Cum Laude, 1976, University of Arizona
MD, University of Kentucky, 1980

Military:

United States Navy, Hospital Corpsman, 1969-72

Certification:

National Board of Medical Examiners
American Board of Family Practice, certified 7/83, recertified 1989, 1995, 2001

Licenses:

Kentucky, #21555
Kansas, #04-24920

Memberships:

American Academy of Family Physicians

Practice History:

Solo practice, 2/15/98-present.

Clinic physician, independent contractor, Katy Clinic, 400 Katy, Parsons, KS, 67357, from 1/1/94 to 2/15/98.

Medical Officer and Staff Physician, Federal Medical Center, Leestown Road, Lexington, KY, 40511, from 1/92 to 12/93.

Private practice, 600 S. Lakeview, Sturgis, MI 49091, 8/87 to 12/91

Associate Physician, Heinz Weisheit, M.D., P.C. 8/85 to 7/87

Private Practice, 918 Lexington Ave, Vanceburg, KY 7/83 to 8/85

Hospital Privileges:

Labette County Medical Center, South Highway 59, Parsons, KS, 1/94 to present.

Federal Medical Center, Lexington, KY, 1/92 to 12/93.

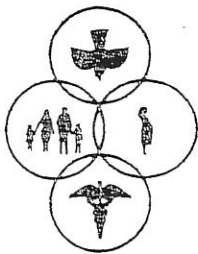
Sturgis Hospital, 916 Myrtle Ave, Sturgis, MI 49091, 8/85 to 12/91.

Mercy Hospital, 1248 Kinneys Lane, Portsmouth, OH 45662, 7/83 to 8/85.

Scioto Memorial Hospital, 1805 27th St., Portsmouth, OH 45662, 7/83 to 8/85.

Current Duties:

Chairman, Hospital Ethics Committee
Chairman, Department of Family Practice, LCMC



JOHN R. TOTH, M.D.

FAMILY AND OBSTETRICAL CARE

LUKE BUILDING
2115 WEST 10TH STREET
TOPEKA, KANSAS 66604

TELEPHONE
785-232-3330

To Whom It May Concern:

April 28, 2004

My name is John R. Toth and I am a family physician in Topeka, Kansas and have been since 1979. I was trained at Kansas University Medical Center and graduated in 1974. I did a Family Practice Residency in the Air Force at Scott AFB, completing this aspect of my training in 1977. I have performed dozens of D&C's (dilatations and curettage) in a hospital setting and hundreds of endometrial aspirations in my office. I am well acquainted with sterile technique and what it takes to provide for patients a safe and hygienic environment.

I have been asked by Mr. Tom Williams to comment on the quality of care provided by a Dr. K. Rajanna in Kansas City, Kansas, at the Affordable Medical Clinic, 1030 Central Avenue. My observations come by way of twenty-seven photographs provided to me by Mr. Williams of the clinic.

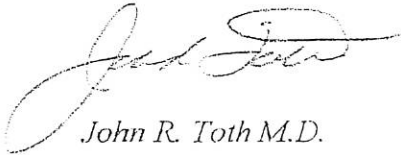
I must admit, when I first observed these pictures I was surprised it was a doctor's office that I was viewing. My garage seems more clean and organized. What in particular was disconcerting was that the room designated as the "procedure" room for abortions was being performed in a room with carpeting. Carpeting cannot provide a sterile, or even a semi-sterile environment. Linoleum or tile is much better. The wall adjacent to this procedure room is unfinished and had what was described to me as mouse droppings and rat poison spread over the floor. The bedding in the recovery area for patients having abortions, I was told, was not changed between patients. Additionally, the patient brought the same table covering with her from the procedure room, apparently to save on

cost. The abortion contents then co-mingled in the same refrigerator as food and medicines. Nowhere did I see any attempts to purify the air to increase sanitation.

It is my sincere opinion that this facility is definitely sub-standard to the care that most physicians have in their offices here in Kansas and I have visited several. I also believe that patients are being exposed to harmful elements in this office which could jeopardize their health. Of course, I am used to doing a similar procedure in the hospital (D&C) where a physician breaks sterile technique simply by lowering his gloves below his waist after washing and gloving and must re-glove. The difference between the two settings should not be this stark.

I hope the information I have provided will help insure the young women of Kansas have a safer environment to obtain health care.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Toth".

John R. Toth M.D.

AFFIDAVIT OF LESLIE A. CHORUN, M.D.

STATE OF KANSAS

COUNTY OF WYANDOTTE

I, Leslie A. Chorun, M.D., of lawful age, upon oath state as follows:

I have personal knowledge of the facts hereinafter set forth.

1. I am a Family Practice physician, with additional training in the field of fertility, currently licensed to practice medicine in Kansas and Missouri. I received my M.D. degree from the State University of New York-Downstate Medical School in Brooklyn in 1989 and subsequently completed 2 years of General Surgery residency, followed by 2½ years of Family Practice residency at the University of Kansas Medical Center, Kansas City, Kansas.

2. On April 28, 2004 I viewed a set of twenty-seven 4x6 inch photographs in good condition as well as a schematic of the layout of a facility with the request that my opinion as a physician be rendered. The request was made by an agent with the Attorney General's Office, who provided the photographs and schematic for viewing. The photographs had been taken at a facility said to be an abortion clinic in Kansas City, Kansas. One photograph of the outside entrance to the facility showed the address 1030 Central, however it was not identified as a clinic, but rather, as a construction firm. The other photographs were taken inside the facility. My observations are:

THE BUILDING

- 1) The building itself does not appear to have been designed to be a health care facility. There are multiple partitions to divide areas, instead of walls. Flooring varies from ceramic tile, to linoleum to carpeting.
- 2) The interior construction of the building is unfinished. Unfinished walls devoid of sheet rock with exposed wiring can be seen. Pellets that apparently are rat poison are laying in an niche in an unfinished wall next to a fire extinguisher.
- 3) There is a general impressive lack of sanitation (and inability to be sanitized) due to clutter and disarray of items including medical and other supplies, boxes, bags, containers, wastebaskets and storage items throughout the building. Items are seen piled, stacked and crammed on most available surfaces. One has the impression of being in a poorly kept storage warehouse. Excepting the exam/procedure table, there is a conspicuous absence of any clean, non-cluttered surface. These conditions are seen in the procedure room, the biohazard room, the storage room and most notably the break room/Dr. office.

THE RECOVERY ROOM

- 4) The recovery room is furnished with a couch and carpeting.

THE SURGICAL PROCEDURE ROOM

- 5) The surgical procedure room contains a medical exam table and suction machine. It is notable for wall-to-wall carpeting, and the absence of a sink.

- 6) There is an open sharps disposal container resting against a wall on the edge of a makeshift counter covered with a tablecloth. The sharps container is seen to be full through the top rectangular opening. The plastic safety closure on top has been removed--likely due to inability to function when container is overfilled--thereby exposing the contents.

THE BIOHAZARD ROOM

- 7) The biohazard room is seen to contain two dishwashers next to a dirty toilet. Resting atop one of the dishwashers is a large tray of surgical instruments. Stacked on the floor alongside the toilet and on the toilet tank are towers of 32 ounce cups. Containers of bleach are at the foot of the toilet and laying alongside the dishwashers. The ceramic tile floor in front of the dishwashers and toilet appears to be stained with blood.

THE STORAGE ROOM

- 8) As well as boxes and other items, the storage room contains a cabinet with broken handles, completely covered with an array of medical items crammed together.

THE BREAK ROOM/DR. OFFICE

- 9) This room is filled with disorganized clutter, including food items, on all available surfaces seen--the large table, the refrigerator, the microwave oven, and bed are all covered. The amount of clutter and disarray is such as one finds in the homes of persons who suffer from hoarding syndromes.
 - 10) On the table, atop a notebook and pile of papers is a half cut-off milk carton with some food in it. About a foot away is a pen and a telephone.
 - 11) A fly swatter is seen hanging from a wall above two trash receptacles.
 - 12) There is a large 2-door refrigerator packed with medical supply items such as drugs and syringes, pathology items and food items. On some shelves these items are stored mixed together. A plastic biohazard bag seen on one shelf has been opened to reveal a specimen cup containing the bloody remains of a clinic procedure, though the cheese-cloth collection sac does not allow one to distinguish fetal remains.
3. The above findings are unquestionably in violation of the OSHA regulations and clearly present a variety of health hazards (especially infectious disease hazards) both to those who staff this facility and to those who utilize its services. The environment is primitive, dangerous and in grossly incompatible with even the most minimal standards for delivery of clinical surgical procedures.

All of the statements in this Affidavit are true.


Leslie A. Chorun, M.D.

STATE OF KANSAS

COUNTY OF WYANDOTTE

On this 29th day of April, 2004, before me personally appeared, to me known to be the person described in and who executed the foregoing document and acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Bridget Wade
Notary Public

My Commission Expires: 4.27.07

