

# CHIAROSCURO

## FOUNDATION

### **Background:**

The Chiaroscuro Foundation submitted a Freedom of Information Law (FOIL) Request to the New York State Department of Health on April 11<sup>th</sup>, 2013. The Foundation requested inspection records since January 1<sup>st</sup>, 2000 for both Article 28 licensed diagnostic treatment centers that perform abortions and facilities that offer abortion services but are not licensed under Article 28. Additionally, the Foundation requested all records of any violations that were found during such inspections and the corrective/enforcement actions that were taken to remedy them.

### **The Findings:**

- There were no inspections of unlicensed clinics that offer abortions services.
- 25 total clinics have abortion services in their license and are subject to inspection by the state.
- Since January 1<sup>st</sup>, 2000, 45 inspection have been completed on clinics:
  - 8 of the 25 clinics were not inspected at all.
  - 12 of these 25 clinics were inspected more than once.
  - No Clinics were inspected annually.
- The state refused to release the name and location of the clinics that they inspected.
- The state averaged 3.5 inspections per year between January 1<sup>st</sup>, 2000 and December 31<sup>st</sup>, 2012.
- According to the Guttmacher Institute, there were 225 Abortion Providers in the State of New York in 2011. 94 of these providers were ‘clinics.’
- The violations that the State found during its inspections included:
  - Failure to ensure that medical personnel are properly credentialed.
  - Failure to ensure that a qualified pathologist examine tissues removed during the abortion and that fetal remains and tissue are properly labeled as required by law.
  - Failure to ensure that a registered professional nurse is present in the recovery room to ensure continual monitoring and observation for all post-operative patients.
  - Unsanitary practice of reusing and reprocessing suction tubing for aspiration of human contents, which is clearly inconsistent with the product label which stipulates that it is a disposable device intended for single use.
  - Anesthesiologist cited for relying on a broken monitor to continuously assess the patient’s cardiac status, vital signs, and oxygen saturation. The anesthesiologist failed to report the broken equipment to the appropriate staff.
  - Sink in the laboratory is inappropriately used for cleaning and during procedures. Medication, mixing, hand washing, urine disposal and speculum cleaning are all done in the same sink. Autoclave (Sterilizing Machine) was not quality checked on a regular base. Sterilized forceps and cuvettes kept stored beyond the storage life of six months.
  - Automated External Defibrillator not functioning and/or with outdated pads or maintenance.
  - Staff screening for tuberculosis had not been performed; no current staff health assessment in place.
  - There was no separately enclosed soiled and clean utility room to ensure adequate infection control. This includes the inability to ensure negative pressure in soiled utility areas. Surgical sterile equipment was stored in the same area as non-sterile equipment.
- There were 1,145,261 abortions in New York City from 2000-2012.
- There were 1,515,108 in New York State from 2000-2012.

*For more information, visit [www.nyc41percent.com](http://www.nyc41percent.com).*