



## Founder's & Capital Care Network

*Shoddy Business Practices Violate Ohio Law & Put Women in Danger*

- *Related group of clinics has failed to document medical abortion failures*
- *Business licenses of related clinics have questionable legality*
- *Investigation warranted with referral to prosecution and license revocation process*

### **Background**

Ohio Revised Code 2912.123 governs the unlawful distribution of the abortion-inducing drug RU-486 (also called Mifeprex or mifepristone). One of the requirements of that law is that any physician who prescribes an abortion-inducing drug and whose patient experiences “during or after the use an incomplete abortion, severe bleeding, or an adverse reaction to the RU-486 (mifepristone) or is hospitalized, receives a transfusion, or experiences any other serious event, the physician promptly must provide a written report of the incomplete abortion, severe bleeding, adverse reaction, hospitalization, transfusion, or serious event to the state medical board.” Failing to make such a report can carry the statutory penalty of a third or fourth degree felony. In addition, the statute provides for professional sanctions to be considered against a licensed person who knowingly fails to report under the law. The referenced reports are collected and maintained by the Ohio Medical Board and are commonly called “RU-486 Event Reports.”

As a pro-life organization in Ohio, Greater Columbus Right to Life regularly reviews Ohio’s available public records relating to abortion and uses them to identify trends, to inform the public of health and safety and legal concerns at local clinics, and to assist in providing the public with a thorough understanding of the risks related to induced abortion. Following a recent public records request of the RU-486 Reports from 2012 to the present, our team analyzed more than 180 reports from a variety of physicians and five distinct ambulatory surgical facilities (ASFs) providing abortion services. The reporting clinics were: Planned Parenthood on Rockside Road in Cleveland, Preterm in Cleveland, Planned Parenthood in Columbus, Planned Parenthood in Cincinnati, and the NEO Women’s Clinic in Cuyahoga Falls.

When looking at these reports, two extraordinary things became evident. The first is the dramatic increase in the number of medical abortion complications following a March 2016 change to the FDA label, an issue which is described extensively in a separate report. The second is that while there are at least seven licensed ambulatory surgical facilities performing (or at least advertising) RU-486 abortions in Ohio, only five have reported RU-486 events for the period between 2012 and the present. The two operating clinics that did not make any reports are Capital Care Network of Toledo and Founder’s Women’s Health Center in Columbus. This is remarkable because Capital Care Network of Toledo and Founder’s Women’s Health Center, along with the now closed Capital Care Network of Cuyahoga Falls and Capital Care Network of Columbus<sup>1</sup>, are (or were) all under the ownership and/or

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<sup>1</sup> Capital Care Network of Columbus was owned by T&S Management/Terrie Hubbard. In mid 2012, the clinic closed and the practice merged with Founder’s Women’s Health which is managed by Capital Care Network according to its website.

management of the same individual or company: T&S Management. T&S Management is owned by Terrie Hubbard, a nurse licensed in Ohio, and her husband, Steven. None of the five ambulatory surgical centers operating as abortion clinics owned by T&S Management or advertised as operated by T&S Management reported a single RU-486 medical abortion complication from January 2012 until July 7, 2017. All five clinics advertise (or advertised) providing medical abortions and the abortion pill.

While it is theoretically possible that either these clinics did not provide the medical abortion pill or that they had no reportable complications, cached versions of their websites captured between 2011 and 2015 self-declared a 5% failure rate and advertised a free surgical abortion for women who experienced a failed medical abortion. Specifically, the text noted<sup>2</sup>: “Studies have shown that non-surgical abortion using Mifeprex® is highly effective. Worldwide, millions of women have successfully used mifepristone for many years. There is a 5-7% chance that this abortion method will fail, making it necessary for the woman to return for a surgical abortion (at no additional charge). We have had 95% effectiveness with Mifeprex® and misoprostol.” The websites were updated in 2015 or 2016 and split into two websites – one for Founder’s Women’s Health and one for Capital Care Network of Toledo. Both websites include (as of 8.28.2017) a statement that a “con” of the medical abortion pill is that it is, “92-95% effective, not as predictable as a surgical abortion.” This figure has to come from somewhere, and it is not from the manufacturer of Mifeprex, which [cites](#) a 2-7% failure rate in the historical REMS document<sup>3</sup>.

The origin of this stated failure rate is uncertain and suggests that either Founder’s and Capital Care Network are drawing information from their own failure rates which they are not reporting, or that they are sharing fraudulent information with women considering a medical abortion. This should be investigated by the Ohio Attorney General, and if violations of O.R.C 2919.123 are found, the clinics, the owners, and the professionally licensed individuals working there should be referred to local prosecutors, the Ohio Medical Board, the Ohio Nursing Board, and any other jurisdiction with enforcement ability.

### **Business Practices: What a Tangled Web We Weave**

Failure to report abortion pill complications is not the only problem at Founder’s or Capital Care Network to stem from apparent criminal misconduct or gross negligence. Greater Columbus Right to Life has reported **extensively** on the ongoing local, state, and federal tax liability from clinic management which is under various liens and lawsuits from the City of Columbus, the State of Ohio, and the IRS, with reports of nearly a million dollars owed to various governments and agencies.

Moreover, there is also legal ambiguity at both Capital Care Network in Toledo and Founder’s Women’s Health Center where a tangled web of partnerships, LLCs, and incorporations have been established and permitted to expire or be canceled by Ohio’s Secretary of State, leaving patients with little civil recourse to wrongful actions.

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There were also several other now-closed locations throughout Ohio and even in Indiana. It is notable that although the websites listed multiple clinic locations, several of them do not seem to have been licensed as ambulatory surgical facilities.

<sup>2</sup> These cached versions of the website were captured using the Library of Congress’ Internet archival system, we were able to verify this language on the website in each of 2011, 2012, 2013, 2014, and 2015.

<sup>3</sup> [https://www.accessdata.fda.gov/drugsatfda\\_docs/rems/Mifeprex\\_2016-03-29\\_Patient\\_Agreement\\_Form.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/rems/Mifeprex_2016-03-29_Patient_Agreement_Form.pdf)

### **Capital Care Network:**

Originally there were three Capital Care Network offices operated by T&S Management of Columbus that were licensed as ambulatory surgical facilities (ASF) in Ohio. Those were located in Toledo (still open), Columbus (closed/merged with Founder's in June of 2012), and Cuyahoga Falls (closed by the state in 2013).

Capital Care Network in Toledo is currently in operation on Sylvania Avenue in Toledo, Ohio, although its license is the subject of litigation due to the clinic's failure to meet Ohio's transfer agreement law. The Ohio Department of Health's online license information lists the facility license as expired in 2013. According to that license, Capital Care Network (Toledo) is operated by T&S Management. The email address for the company is listed as a Gmail account for Terrie Hubbard, and the mailing address is listed as 1243 E Broad St, Columbus, which is the address of Founder's Women's Health.

Legally, there is no registered business in Ohio on file with the Secretary of State's office with the name of Capital Care Network or Capital Care Network of Toledo. Both were registered trade names for G&H Management Corporation, and both trade names were cancelled in 2015. The trade name filings were signed in 2009 by Dr. Kathleen Glover with a business address at 4818 Indianola Avenue, Columbus – the address of the Capital Care Network abortion clinic operated by T&S Management before it closed in 2012 to merge with Founder's. This suggests that Capital Care Network of Toledo does not exist as a valid business registered and recognized in Ohio, and we question how it has been able to remain open and have standing in its lawsuit against the State of Ohio.

At one time, the "network" of Capital Care Network consisted of several abortion clinics in Ohio and other states. One Ohio clinic was closed in 2012 when Capital Care Network of Columbus merged/acquired Founder's Women's Health. A third facility, Capital Care Network of Cuyahoga Falls, was closed by the state after inspections found infractions that included both the serious and the bizarre. The clinic's citations included taking and retaining the blood of pregnant patients for unauthorized use, improperly storing and prescribing of drugs – including narcotics, and other claims. As a result of the Ohio Department of Health shutting down the facility and drug enforcement actions, the clinic was closed and one of the clinic's physicians was recently sanctioned by the Ohio Medical Board with a suspended license<sup>4</sup>.

### **Founder's Women's Health Center**

Founder's Women's Health Center in Columbus holds an ambulatory surgical facility (ASF) license and brags of being Ohio's first legal abortion clinic. No owner is named by the Ohio Department of Health's online license, but the license states that the clinic is operated by Downtown Gynecologists, INC. The Ohio Department of Health lists the facility license as expired in 2014. In the fall of 2016 Founder's had some difficulty undergoing its renewal paperwork because Ohio Health/Grant hospital declined to renew a transfer agreement with the facility. In the spring of 2017, the director of the Ohio Department of Health approved a transfer agreement waiver, which is part of the license application, so it may be assumed that the State Department of Health website is not current. However, while the ASF license lists the Operator as Downtown Gynecologists, Terrie Hubbard, who is also listed as the email contact, has been quoted in numerous documents as the manager and/or operator of the clinic.

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<sup>4</sup> Note that in 2015, a clinic was opened in the same location by the physician whose license has now been suspended.

Specifically, in 2012 an article in the Columbus Dispatch reported that Founder's Clinic had been purchased by Capital Care Network, saying, "It's going to look like a merger, but it is a purchase."<sup>5</sup>

It is not certain what, precisely, Capital Care Network purchased. As noted above, the facility's ambulatory surgical facility license is held by a company called Downtown Gynecologists, INC., and the building itself is owned by a company called Twelve Forty Three Company, according to the Franklin County Auditor's office. Downtown Gynecologists held the trade name for Founder's Women's Health Center; it is a corporate entity that was owned by Drs. Harley Blank, Karl Schaeffer, and Robert Chosy. However, the corporate registration for Downtown Gynecologists was cancelled in 2016 for failure to file business reports. It was not the first time that the business was cancelled. In 2009 the company was cancelled for failure to report and not reinstated until 2012. Other cancellations are noted in 1995, 1996, and 2007. It is also noteworthy that Downtown Gynecologists, before the business license was canceled, was a licensed professional (medical) association. One of the requirements of that type of business is that the principals be actively licensed to practice medicine. Dr. Robert Chosy retired from the practice of medicine; his license expired in 2009, but he continued to be listed in sworn/certified statements through 2014. Moreover, Twelve Forty Three Company, the partnership that owns the physical building at 1243 E Broad Street, has never registered to do business with the Ohio Secretary of State.

The business practices at both Capital Care Network and Founder's are, bluntly, a mess. Numerous lawsuits and liens exist against T&S Management, its owners, and/or Capital Care Network for unpaid taxes at the local, state, and federal levels. At one point, the sum of the monies owed to taxing entities was nearly a million dollars. The Founder's Women's Health Center is located in a building that appears to be owned by a general partnership that has never registered in Ohio; the ambulatory surgical facility license at Founder's is held by a fictitious name of a legal entity which has been cancelled under Ohio law; and Capital Care Network is operating under a business name that does not currently exist and that previously was held as a trade name for a different corporate entity than the one currently operating it. All of this shows a serious lack of organization that could deeply impact patient safety and leads to other infractions in the law, such as the lack of a single medical abortion complication report in the past five years.

Ohio law is very clear that a "corporation shall cease to carry on business" once its registration is dissolved or cancelled.<sup>6</sup> These businesses, however, have continued in operation without valid registrations and, in some instances, without an initial registration. This is unacceptable.

There are other concerns regarding the quality of care at Founder's. For example, our team has documented women with serious medical issues after an abortion. In February of 2015 our volunteers assisted a woman to a local emergency room for severe hemorrhaging and losing consciousness after an abortion. Another abortion patient was taken to a Zanesville hospital for emergency treatment after her abortion in June of 2017. The patient did not have the Founder's contact information with her, but she had retained a card with our number, and emergency staff contacted our office trying to reach Dr. Blank to get information about the patient's condition. Because surgical abortion complications are shielded from public record, there is no way for watchdog organizations like Greater Columbus Right to Life to verify that these serious complications are reported, and victims could be unable to reach a

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<sup>5</sup> <http://www.dispatch.com/content/stories/local/2012/06/06/abortion-provider-purchases-local-clinic.html>

<sup>6</sup> ORC 1701.88

sufficient civil remedy because the clinic doctors lack malpractice insurance (and were cited for failing to notify patients of that in 2013) and because the business practices of the clinic and the severe debt make civil litigation a futile avenue for recovery and restitution.

**Action Items:**

In light of this information, we support the following action items.

1. We are asking the Ohio Secretary of State and Ohio Attorney General, conferring when appropriate with other agencies and offices, to investigate the business practices of Capital Care Network, T&S Management, Founder's Women's Health, Downtown Gynecologists, Twelve Forty Three Company, and any other related businesses, and we are asking that they immediately seek an injunction against the businesses not legally operating. They should also refer their findings to the Ohio Department of Health for violations of their respective ambulatory surgical licenses, and, if applicable, individual practitioners should be referred to the Medical and Nursing Boards for ethical and professional licensing violations.
2. We are asking the State Attorney General and Ohio Medical Board to initiate a confidential review of the files for Founder's Women's Health, Capital Care Network of Columbus (closed), Capital Care Network of Cuyahoga Falls (closed), Capital Care Network of Toledo, and any business or subsidiary that may have provided medical abortions from 2012-2017 to determine if there were any failures to report medical abortion complications (Ohio Medical Board RU-486 Events) and to refer any findings to the appropriate entities for prosecution or professional licensing sanctions.
3. We will be calling on Ohio lawmakers to close serious loopholes in Ohio law that permit unregistered businesses and professional corporations to operate ambulatory surgical facilities in Ohio, to revise the information reported after abortions and abortion complications and to open those reports to public inspection in a way that protects patient confidentiality but also ensures sufficient oversight, and to make significant misreporting of abortion complications and abortion reports subject to a civil fine with a qui tam provision.
4. We are calling for the permanent closure of Founder's Women's Health and Capital Care Network of Toledo based on these serious infractions of Ohio's law and the blocking of any successor businesses with substantially similar staff, management, and providers.

If you support these action items, you can **[sign our petition](#)** online today.

The mission of Greater Columbus Right to Life is to build a culture that protects innocent human life from the moment of conception until natural death.

This report and others like it are a just a small part of the groundbreaking work being done by Greater Columbus Right to Life, but it represents hundreds of hours of research, analysis and writing. If you found this to be of value, please consider making a donation so that we can continue to focus on restoring the dignity of all human life. Donations to Greater Columbus Right to Life are generally considered tax-deductible.

If you would like to support our work, you can give securely online via our website or by mailing a donation to our office. You can also learn more about the Dangerous for Women: Deadly for Unborn Children project at [gctrl.org/abortion-pill](http://gctrl.org/abortion-pill).