

Latrobe abortion clinic altered legal document that enabled it to reopen

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Troubled Charlotte clinic also disputed state regulators' report it improperly dosed chemical abortion drugs

CHARLOTTE — A sworn affidavit from a troubled Charlotte abortion clinic – a critical document in state health regulators' decision allowing the clinic to reopen in May – was altered after it had been notarized, then submitted again to regulators.

Both the notary public who certified the affidavit and state regulators were unaware of the alteration, which involved a controversial abortion doctor, the Catholic News-Herald has learned.

A Preferred Woman's Health Center at 3220 Latrobe Drive – Charlotte's busiest abortion clinic – was shut down for four days in May after state health inspectors found it was improperly administering a chemical abortion drug, among other health code violations.

That [affidavit](#), submitted to the N.C. Department of Health and Human Services May 13, prompted regulators to allow the Latrobe clinic to reopen May 15 after inspections uncovered numerous problems including the misuse of methotrexate, a drug used to abort babies younger than 9 weeks' gestation. Staff had been giving women the injectable form of the drug in a cup to drink – against recommended practice because it is potentially too low of a dose to cause a complete abortion.

In the May 13 affidavit, the clinic's medical director, Dr. Stuart L. Schnider, swore his clinic had stopped giving methotrexate orally, and that "from this day forward, the Facility will not use Methotrexate in any off label modality." Employees and contractors who worked at the Latrobe clinic all signed the affidavit to acknowledge they had been informed of the change.

Signers included Schnider; his wife and clinic owner Lois E. Turner-Schnider; clinic administrator Rachel Hales; registered nurse Jeanne D. Thomas; staffer Cawana T. Talbert; and abortionist Dr. Jimmie Isaac Newton.

That affidavit was enough for state regulators to permit the Latrobe clinic to reopen May 15.

On May 20, regulators received the same [affidavit again](#) – except this time, Newton's signature had been whited out on the signature page of the affidavit and Dr. Ashutosh "Ron" Virmani's signature was written in its place.

Virmani is a controversial abortion doctor who has worked for years at the Latrobe clinic, but Schnider did not list him as an employee or independent contractor on the original affidavit he gave state regulators.

Last year Virmani made headlines when he told anti-abortion activists who confronted him on camera, "Let me see one of you adopt one of those ugly black babies. Go ahead. Adopt these babies, OK? Take them off the taxpayers' money."

Danielle Moore, the notary public who notarized the affidavit for Schnider, said she was unaware it had been altered afterward. A notary's primary responsibilities include acknowledging signatures and verifying or proving signatures.

No one at the N.C. Department of Health and Human Services was aware the affidavit had been altered, until the Catholic News Herald alerted the agency to the discrepancy Aug. 7.

Neither Schnider nor his wife returned calls and an email seeking comment about why Virmani – as a longtime doctor at the clinic – was not mentioned in the original affidavit, or why the affidavit was altered after it had been notarized.

Virmani and Newton are the only two abortionists who currently work at the Latrobe clinic. Neither has admitting privileges at any North Carolina hospitals, and both have faced legal troubles in the past.

Virmani has been involved in a long-running legal battle with Presbyterian Hospital, which revoked his admitting privileges after he botched a surgery in 1994.

Newton surrendered his medical license for about a year after admitting to making "inappropriate sexual comments" to two patients and attempting to solicit for oral sex at his now-closed clinic in Winston-Salem in 2002, according to an N.C. Medical Board investigation.

CORRECTIVE ACTION PLAN

When state regulators shut down the Latrobe clinic May 10, they told Latrobe's owner, Lois E. Turner-Schnider, she had 60 days to file an appeal with the Office of Administrative Hearings.

But then state regulators bypassed the appeals process and allowed the Latrobe clinic to open May 15, just four days after calling its practices "an imminent danger to the health, safety and welfare of the clients..." Schnider's affidavit was sufficient for state regulators to write May 14: "the information is satisfactory to address the citation regarding the summary suspension of services."

After it was altered, the affidavit was resubmitted May 20 as part of the Latrobe clinic's official "plan of correction," the series of steps it needed to take to fix all of the violations state regulators had found. [See the full plan here.](#)

In that plan, the Latrobe clinic disputed state regulators' statements it had been dosing methotrexate improperly.

State investigators had found during a surprise inspection in April that clinic staff had been giving women the injectable form of the drug in a cup to drink – against the recommendations of the drug's manufacturer, state poison experts and the health department's own medical adviser.

The injectable form of methotrexate is absorbed differently than the pill form, so different dosages are required, the experts said.

Inspectors said a 21-year-old woman who had been given methotrexate orally to abort her less than 5-week-old fetus returned to the clinic a month later for a surgical abortion after finding out she was still pregnant.

In their corrective plan, the clinic replied that giving the drug orally is "common medical practice among abortion providers... However, without admitting error or fault, we have voluntarily removed Methotrexate in all forms from our formulary as of 4.26.2013 and will not be using Methotrexate as an abortifacient in the future."

Instead, the clinic said, it was switching to the drug Mifepristone.

The clinic also blamed its doctors for any problems with administering methotrexate: "The physician on duty by The NC Medical Practice Act is responsible and has the obligation to supervise the dosage and route of administration of any medication that they order. If the physician did not want to give Methotrexate orally it was his decision not to do so since the licensed abortion clinic does not practice medicine, the physician does. The Abortion clinic merely made this available in their formulary..."

When state inspectors interviewed him in April, the physician (who was not named in the report) denied knowing about how the methotrexate was given, saying, "I don't order (the medication). The clinic decides. I just sign. Oral or injectable is not indicated on the order. The nurse and clinic are independent from me. I leave it to the clinic to decide."

These violations came on the heels of a similar surprise health inspection last December, when state inspectors found dead insects, blood splatters and dirty surgical instruments inside the Latrobe clinic.

State regulators have documented more than 40 problems inside the Latrobe clinic at least six different times over the past 14 years.

The Latrobe clinic's brief closure in May, and a similar brief closure in 2007, were the only times state regulators had closed an abortion clinic in nearly two decades until last month, when regulators revoked the licenses of The Baker Clinic for Women in Durham and Femcare in Asheville.

A Preferred Women's Health Center is a chain of three abortion facilities, with locations also in Raleigh and in Augusta, Ga. It offers chemical abortions up to 9 weeks' gestation and surgical abortions up to 20 weeks, and its website estimates its staff has performed abortions on more than 100,000 women over the past 20 years.

The Latrobe clinic performed 4,220 abortions from Oct. 1, 2011, to Sept. 30, 2012, it reported on its license renewal application in 2013 – the most of any of Charlotte's three abortion clinics.

— Patricia L. Guilfoyle, editor