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August 15, 2013

Committees:
Judiciary
Energy, Industry and Labor,
Economic Development and
Small Business
Constitutional Revision
Interstate Cooperation

Pregnancy Resource Center
36 Mountain Park Drive
Fairmont, WV 26554

Dear Sir or Madam:

I have discovered that there are dozens of Crisis Pregnancy Centers (CPC) in West Virginia.¹ These CPCs often appear to be comprehensive medical clinics even though they may have no medical providers on staff. I am deeply concerned that women may be deceived by a CPC's name, advertising and location into believing that it offers comprehensive reproductive care, including contraception and abortion, or at the very least, referrals for those services. A CPC recently moved next door to a comprehensive reproductive health clinic in Charleston, even using a name similar to the health clinic.² Women's health may be endangered if they mistakenly believe that they have seen a medical provider or will receive medical care when they visit a CPC. For example, in Missouri, a young woman's life was threatened after a CPC told her she was not pregnant even though she had an ectopic pregnancy, which needed immediate medical attention.³

CPCs, unlike medical clinics, are not licensed or regulated by the State. Nor is there much information on CPC practices in the State. No one wants the health of women in West Virginia to be threatened.

¹ Robin Marty, *West Virginia Crisis Pregnancy Center Moves Next Door to Abortion Provider*, RH REALITY CHECK, May 20, 2013, <http://rhrealitycheck.org/article/2013/05/20/west-virginia-crisis-pregnancy-center-moves-next-door-to-abortion-provider/>.

² David Gutman, *Pro-life Center Moves Next Door to Abortion Provider*, GAZETTE-MAIL, May 18, 2013, <http://www.wvgazette.com/News/201305180065>.

³ The woman visited a CPC where she received an ultrasound and was told that she had probably miscarried because the person who performed the ultrasound did not see a pregnancy in the woman's uterus. After experiencing severe abdominal pain, she went to the emergency room where she was diagnosed with an ectopic pregnancy and had to undergo surgery to remove her Fallopian tube. Had she seen a doctor earlier, she would have been able to have a less invasive procedure. Colleen McNicholas, Physicians for Reproductive Health, Testimony Before the Missouri Senate Judiciary and Civil Criminal Jurisprudence Committee, (Feb. 18, 2013).

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Therefore, I ask you to answer the following questions in order to help us assess how CPCs operate in the State and evaluate the need for regulatory oversight or action.

1. How often is your Crisis Pregnancy Center inspected by the State or a self-regulatory body?
2. Does your center:
 - a. Have a name similar to an abortion provider?
 - b. Advertise with or under the words “abortion” or “health care” or “family planning”?
 - c. Advertise that you provide “all options”?
 - d. What policies does your center have to ensure that your advertising is not deceptive or misleading?
3. What are your center’s policies for answering questions – either by phone or in person – about your services? What do your staff or volunteers reply if someone asks whether you provide abortion services? Whether you provide birth control?
 - a. What policies does your center have to ensure that answers are not deceptive or misleading?
4. Please provide answers to the following questions regarding the services your center provides.
 - a. Does your center provide pregnancy tests? If so, what type of pregnancy tests does your center offer? Could they be purchased in a drug store?
 - b. Does your center provide ultrasounds? If so, who performs them? What are the qualifications of the person who performs the ultrasound? If ultrasounds are performed at your center, can you accurately diagnose medical problems, such as ectopic pregnancies? If not, what policies does your center have in place to ensure that women are aware that they also need to see a licensed medical provider?
 - c. Does your center offer testing for sexually transmitted infections (STIs)? If so, does your center also provide treatment for STIs? If not, does your center make referrals to licensed medical providers who offer comprehensive reproductive health care?
 - d. What are your center’s policies if a woman wants to leave without listening to your “counseling”? Will you give her the results of any tests or ultrasound?
 - e. What kind of information does your center give women about abortion?
 - f. Does your center provide referrals for women seeking an abortion?
 - g. What kind of information does your center give women about birth control?
 - h. Does your center provide referrals for women seeking birth control?
5. If you do not provide information or referrals about birth control or abortion, what policies does your center have in place to ensure that women are aware that you do not provide such information or referrals?

6. Does your center have licensed medical providers on staff?
 - a. Do any of your non-licensed staff or volunteers wear medical clothing, like white lab coats or scrubs?
 - b. If yes, what policies do you have to ensure that women are aware that your non-licensed staff and volunteers are not medical providers?
7. What policies does your center have in place to ensure that women are aware that they should see a medical provider?
8. What is your understanding of your center's, staff's, and volunteers' responsibilities with respect to federal and state laws, including laws prohibiting the unlawful practice of medicine and prohibiting the use of deceptive practices in advertising and service delivery?
 - a. How does your center educate staff and volunteers regarding these laws?
 - b. How does your center ensure compliance with these laws?
9. Does your center have a compliance plan outlining best practices for compliance among staff and volunteers with all relevant federal, state, and local laws?
 - a. How often is this plan updated?
 - b. How often do you perform spot audits to verify adherence to compliance procedures?
 - c. How often are your employees or volunteers, if at all, in violation of any of the terms of your compliance program? Please provide details related to any of the specific violations.
10. Do you have a compliance plan to ensure that you are providing medically accurate information?
 - a. Is your information reviewed by a medical doctor?
 - b. How often is your information updated?

I would appreciate if you can provide me detailed answers to these questions within thirty days. Feel free to email them to me at stephen.skinner@wvhouse.gov.

Sincerely,



Stephen G. Skinner