



ATTORNEY GENERAL OF MISSOURI  
ANDREW BAILEY

March 6, 2024

Robert Knodell, Director  
Missouri Department of Social Services  
PO Box 1527  
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Sent via: [Robert.J.Knodell@dss.mo.gov](mailto:Robert.J.Knodell@dss.mo.gov)

Dear Director Knodell:

I write to strongly urge you to use every legal tool at your disposal to ensure that Planned Parenthood does not receive another dime of taxpayer funds. Your regulations permit you to terminate an organization from participation in MO HealthNet for violating the law. Planned Parenthood has incurred a sordid history of doing exactly that, putting countless Missourians at risk.

Consider just a few of their recent violations, all of which are undisputed.

First, in 2018, Planned Parenthood's facility in Columbia was shut down after staff *admitted* to using moldy abortion equipment on women for months. On September 26, 2018, health inspectors conducted an unannounced visit to the facility. They found equipment containing a "blackish gray substance" that Planned Parenthood's own staff identified as "mold," as well as another substance Planned Parenthood's staff identified as "most likely bodily fluid."<sup>1</sup> Court documents reveal a picture of the moldy equipment, which is included on the following page. Clinic staff admitted that they had "identified the problem" of mold "a couple of months previously," but that the physician, Colleen McNicholas, had "continued to use the machine on patients after they identified the issue."<sup>2</sup> At the time, the clinic performed "an average of 14 cases per month,"<sup>3</sup> meaning that this moldy equipment had been used on potentially as many as 40 or more women. Despite this violation, Planned Parenthood rewarded McNicholas, promoting her to "Chief Medical Officer" of Planned Parenthood of the St. Louis Region and Southwest Missouri nine months later. That position gives her oversight of all clinical appointments.

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<sup>1</sup> Statement of Deficiencies, *Comprehensive Health of Planned Parenthood Great Plains v. Hawley*, No. 2:16-cv-04313, Doc. 141-1, at 6–7 (W.D. Mo. 2018).

<sup>2</sup> *Id.* at 7–8 (emphasis added) (parenthetical omitted).

<sup>3</sup> *Id.* at 4.



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Second, for well over a decade, Planned Parenthood flagrantly violated the legal requirement to file complication reports. § 188.052, RSMo (“An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care.”). Abortion complications are common, with the FDA acknowledging that, among women who receive chemically induced abortions, up to 8 percent experience complications requiring surgery, with up to 5 percent requiring immediate care in emergency rooms. *All. for Hippocratic Med. v. U.S. Food & Drug Administration*, 78 F.4th 210, 229 (5th Cir. 2023), *cert. granted*, 144 S. Ct. 537 (2023). At those rates, Planned Parenthood should have filed up to thousands of reports. They filed none, and admitted as much in open court in 2018.<sup>4</sup>

Indeed, even *after* Planned Parenthood got caught failing to fill out and complete these complication reports, they continued to violate this law—despite promising that they would start complying. McNicholas, for example, stated in open court that she began complying with this law in 2017, but the Administrative Hearing Commission concluded that she violated this law again the very next year.<sup>5</sup>

Third, Planned Parenthood repeatedly violated statutes that require continuity of care. Before the U.S. Supreme Court’s *Dobbs* decision triggered a law that prohibited elective abortions, Missouri law required that the physician who performs an abortion must first personally discuss the risks of abortion with the woman. § 188.027.5, RSMo. Planned Parenthood’s physicians violated this statute on several documented occasions. For example, the Commission determined that Planned Parenthood sedated a woman and then brought in a new person to perform the abortion. That person was still in residency and had not obtained informed consent from the woman before performing the abortion.<sup>6</sup> The Commission documented multiple instances of Planned Parenthood engaging in other similar violations.<sup>7</sup>

These are just the violations that Planned Parenthood has committed but not disputed. Other violations abound. Last week, I sued Planned Parenthood after an undercover reporter caught its staff admitting that they traffic minors across state lines for abortions—without parental consent—and that they do this “every day.”<sup>8</sup> That conduct not only blatantly violates § 188.250, which prohibits facilitating a minor to obtain an abortion without parental consent, but it also strongly suggests that Planned Parenthood is violating laws that require it to report crimes like

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<sup>4</sup> Tr. Prelim. Inj. Hr’g., *Comprehensive Health of Planned Parenthood Great Plains v. Williams*, No. 2:17-cv-04207, Doc. 115, at 267–68 (W.D. Mo. 2018); Eisenberg Dep., No. 2:16-cv-04313, Doc. 141-4, at 12 (W.D. Mo. 2018).

<sup>5</sup> Decision of Administrative Hearing Commission, *Reproductive Health Services v. Department of Health and Senior Services*, No. 19-0879, at 79 (May 29, 2020); *see also id.* at 93 (“Planned Parenthood failed to file a complication report for Patient 1 as required by § 188.052.2, 19 CSR 10-15.020, and 19 CSR 30-30.060(3)(H).”).

<sup>6</sup> Decision of Administrative Hearing Commission, *supra*, ¶¶ 102–03.

<sup>7</sup> *E.g., id.* ¶¶ 168–69.

<sup>8</sup> <https://ago.mo.gov/attorney-general-bailey-files-suit-against-planned-parenthood-for-trafficking-children-out-of-state-to-obtain-abortions-without-parental-consent>

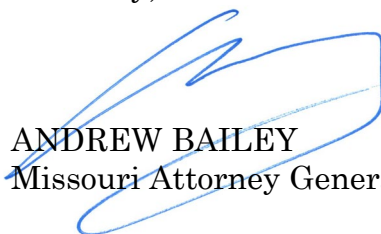
statutory rape. Planned Parenthood’s most vigorous defense of its actions so far is that their conduct is legal in *other* States. But what matters, of course, is whether Planned Parenthood has violated *Missouri* law. They have. And your agency can terminate their participation agreement for that reason.

This pattern of activity, as well as other lawbreaking, justifies terminating Planned Parenthood from participation in the MO HealthNet program. For example, regulations permit terminating an organization for “[v]iolating *any* laws, regulations, or code of ethics governing the conduct of occupations or professions or regulated industries that pertain to said provider.” 13 CSR 70-3.030(3)(A)(32) (emphasis added). Termination is also justified for “failure to comply with the provisions of the signed Missouri Department of Social Services, MO HealthNet Division Title XIX Participation Agreement.” 13 CSR 70-3.030(3)(A)(2). Planned Parenthood’s participation agreements require that Planned Parenthood “be in compliance with *all* other applicable state or federal laws or regulations.”<sup>9</sup> Your agency further has authority to remove an organization that has had “an adverse action administered ... by another state Medicaid program.” 13 CSR 70-3.030(3)(A)(37). Planned Parenthood entities in other States like Texas and Arkansas have been defunded for violating the law, and those organizations—regardless of whether separately incorporated—are closely affiliated with the Planned Parenthood entities in Missouri.

Missourians’ hard-earned tax dollars should not go to any entity that uses moldy equipment on women, that facilitates minors obtaining abortions without parental consent, and that refuses to file legally mandated complication reports after harming women. In light of this persistent pattern of violations, Planned Parenthood should not be in business in Missouri *at all*. They certainly should not be receiving public funds.

I stand prepared to assist you in any way I can.

Sincerely,



ANDREW BAILEY  
Missouri Attorney General

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<sup>9</sup> *E.g., Planned Parenthood v. Knodell*, SC99966, Appeal Document Number 127, at 1 (emphasis added).