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19TH DISTRICT

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August 17, 2105

Chancellor R. Bowen Lofton
Office of Chancellor
University of Missouri
105 Jesse Hall
Columbia, Missouri 65211

Dear Chancellor Lofton:

On August 13, 2015, the Senate Interim Committee on the Sanctity of Life (“Committee”) held a hearing regarding the Department of Health and Senior Services (“DHSS”) issuance of an ambulatory surgical center license to the Planned Parenthood facility in Columbia for the performance of abortion services. Under Section 197.215.1(2), RSMO, DHSS may only issue such license upon proof that:

“Surgical procedures shall be performed only by physicians, dentists or podiatrists, who at the time are privileged to perform surgical procedures in at least one licensed hospital in the community in which the ambulatory surgical center is located, thus providing assurance to the public that patients treated in the center shall receive continuity of care should the services of a hospital be required; alternatively, applicant shall submit a copy of a current working agreement with at least one licensed hospital in the community in which the ambulatory surgical center is located, guaranteeing the transfer and admittance of patients for emergency treatment whenever necessary.”

See also 19 CSR 30-30.060(1)(C)4.

Following last week’s hearing, I have researched this issue and have determined that only two hospitals in the community could fulfill the requirements of 197.215.1(2)—Boone Hospital Center and University of Missouri Health Care. Additionally, DHSS has identified the doctor responsible for abortions at the Columbia facility as Dr. Colleen McNicholas, DO. According to an August 14 article in the *Columbia Daily Tribune*, Planned Parenthood’s Dr. McNicholas has not been granted any privileges at Boone, while University of Missouri Health Care granted her “refer and follow” privileges last December.

For decades the citizens of the state of Missouri have gone to great lengths to ensure that their taxpayer dollars never enable abortion services in this state. The University of Missouri system is a publicly funded entity which last year alone received approximately one half of one billion taxpayer dollars from the State of Missouri. Whether DHSS is relying on the agreement granted by the University, as a publicly funded entity, to Dr. McNicholas in order to enable the abortion license issuance is a matter of substantial public interest and concern. Additionally, such circumstance may also run afoul of Section 188.205, RSMo, which prohibits the use of public funds for the assistance or promotion of abortion procedures.

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In order for the Committee to determine the legal basis for the issuance of the license to Planned Parenthood's Columbia facility, please provide me with a copy of any agreement(s) between University of Missouri Health Care and Dr. McNicholas, any agreement(s) between University of Missouri Health Care and the Planned Parenthood of Kansas and Mid-Missouri facility in Columbia, and any agreement(s) between any entity which is part of the University of Missouri system and Dr. McNicholas, Planned Parenthood of Kansas and Mid-Missouri, or Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri, which establishes privileges of any kind for Dr. McNicholas or establishes a working agreement with University of Missouri Health Care or any entity thereof and the Planned Parenthood facility in Columbia. Please provide these documents to me no later than the close of business Tuesday, August 18, 2015, so that the Committee can determine what type of privileges Dr. McNicholas and the Planned Parenthood Columbia facility have with University of Missouri Health Care and if such arrangement is legally sufficient for DHSS to issue and maintain a license for the Columbia facility.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Schaefer", written in a cursive style.

Senator Kurt Schaefer
Chairman – Senate Interim Committee on Sanctity of Life

C: Committee Members
Senator Richard