

Planned Parenthood of New York City
Testimony on Proposed Rules for Local Law 17 of 2011: Pregnancy Service Centers
January 12, 2015

Good morning. I am Julienne Verdi, Director of Government Relations at Planned Parenthood of New York City (PPNYC). I am pleased to be here today to provide testimony on the proposed Department of Consumer Affairs rules for Local Law 17. Planned Parenthood of New York City thanks the Department of Consumer Affairs for convening this hearing as well as Deputy Commissioner Amit Bagga for dedication to this issue and offering us the opportunity to share comments on the proposed rule.

For almost 100 years, Planned Parenthood has been a trusted name in reproductive healthcare. Planned Parenthood of New York City serves more than 50,000 patients annually in our health centers currently located in Manhattan, Brooklyn, Staten Island and the Bronx. We are also proud to announce that a new health care center in Queens is under construction and is due to open in May of 2015. As a leading sexual and reproductive health care provider in New York City we know firsthand the importance of offering culturally competent and medically accurate care in a supportive setting. Our patients rely on PPNYC for comprehensive nonjudgmental care. Every pregnant individual that walks into our health centers undergoes full options counseling and is provided with safe and accurate medical information in a confidential setting in order to decide what is best for them.

Local Law 17 of 2011 provides important protections to inform women what services they can expect they will and will not receive at a pregnancy services center. Pregnancy services centers, or Crisis Pregnancy Centers (CPCs), frequently use tools of deception and misinformation to mislead women about their reproductive health options. CPCs are anti-choice organizations that “appear” to be legitimate reproductive health care providers, but do not provide licensed medical care. In contrast to PPNYC, pregnant women who walk into CPCs are not told or informed about the full range of their pregnancy options and methods of birth control. Consumers are made to believe CPCs provide abortion services or referrals for care, often never aware of the center’s implicit anti-abortion and anti-birth control position. CPCs use manipulative tactics to deceive consumers, such as, the use of misleading names and signage or locating near legitimate reproductive health care providers or schools. The Department of Health and Mental Hygiene (DOHMH) recommends all pregnant individuals meet with a licensed medical practitioner. Therefore, CPCs’ deceptive measures are not only misleading but potentially harmful to one’s health – a lack or delay in time-sensitive medical care can endanger a person’s life. This is a matter of public health. Medical providers are expected and sometimes required to convey certain factual information to pregnant individuals to help them make informed choices, however, since CPCs by definition are not licensed medical facilities and do not have licensed medical providers on-site, they are not held to the same standard.

The reproductive health implications are grave. CPC consumers receive false information on a wide range of reproductive services including contraception, STIs, and abortion. Clear and

strong disclosures are needed to ensure that New Yorkers' health and wellbeing are not put at risk by CPCs who appear to be legitimate health centers but are unlicensed and unqualified to provide medical care.

Patients at Planned Parenthood of New York City's centers in the Bronx and Brooklyn face harassment from nearby crisis pregnancy centers and report having been lured into these facilities under false pretense. For example, PPNYC's Brooklyn center has a CPC located in the same building, with multiple misleading listings in the building's directory such as "EMC Pregnancy Center," "Abortion alternatives-free," "Unplanned pregnancy?," and "LBJ Health center." A pregnancy services center is also located directly across the street from PPNYC's Bronx health center. Because of the pregnancy services center's misleading signage, numerous PPNYC patients have inadvertently entered the center or been led in by someone on the street and subsequently given harmful advice.

In 2010, PPNYC conducted clinic surveys revealing the extent to which our clients face harassment and intimidation from nearby pregnancy services centers. Patients divulged they were misled into thinking the center provided abortions and when patients then attempted to leave, staff members became resistant, with one member blocking a client's exit. Patients also expressed concern that they provided detailed medical and/or personal information, thinking the center was Planned Parenthood, and became worried their private records were not kept confidential. Patients were shown disturbing images and videos, and falsely told that emergency contraception is ineffective, and induced abortion increases the risk for breast cancer and may result in infertility or STI transmission and death. One woman visited the center twice believing she had been seen by a medical professional at Planned Parenthood; after being subjected to shaming and false information, she was given a referral for what she thought was an abortion, but which was to a separate center that did not provide any such procedures. Cases such as these underscore the importance of requiring crisis pregnancy centers to explicitly disclose what services they do or do not provide.

PPNYC is pleased to see the proposed rule put forth by DCA mandating specific disclosures be made in center signage, website, as well as advertising for pregnancy services centers. Requiring centers to post signs on the front entrance, as well as in each patient waiting room ensures greater opportunities for individuals to be informed regarding what type of center they are in and that any information they receive is not provided to them by a licensed medical professional. In addition to stopping clients on the street on their way to a reproductive health center, CPCs advertise in the Yellow Pages under "abortion," and "abortion services" and on the Internet under popular searches for "abortion")¹. As a result, many New Yorkers walk into these centers after finding them online or the subway and presume they offer a full range of reproductive health services including abortion. The signage and advertising disclosure requirements would

¹ Committee on Government Reform - Minority Staff, "False and Misleading Health Information provided by Federally Funded Pregnancy Resource Centers," July 2006, Prepared for Henry Waxman, United States House of Representatives

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go a long way to help countless pregnant New Yorkers avoid the potential stigma and harm experienced at CPCs. In line with this, we recommend the rule include a requirement that a CPC must use the name of its center in its website domain name and/or be prohibited from using deceptive language in its domain name such as “abortionservices.com.”

Moreover, we commend the rule’s clear stipulation that disclosure statements on the website be in clear and legible font and in close proximity to the description of services provided by such pregnancy services center. To ensure the rule’s intent is upheld, we propose the rule also stipulate the proximity requirement cannot be achieved by linking to a separate page.

We similarly propose that the disclosure be required on CPC website homepages in addition to any and all pages describing services. Also, for enforcement reasons, we recommend that CPCs be required to preserve upon the initial publication of the web site, any major web site redesign, or a meaningful and extensive content change, for a specified period of time. This will enable prompt and fair adjudication of any complaints made regarding a CPC’s failure to adhere to the website disclosure requirement.

In adopting the proposed rule, PPNYC strongly recommends the Department of Consumer Affairs also include rules on both the oral disclosure requirements and confidentiality rules upheld by the Court, in order to ensure the approved legislation is able to meet the needs of New Yorkers.

The fact that one young woman was led to believe multiple appointments were held at a reproductive health center and repeatedly told staff she was looking to have an abortion evidences the lengths many CPCs will go to in order to veil their anti-reproductive healthcare agenda and mislead patients. An oral disclosure would require the staff member to inform the consumer that the center does not have a licensed medical provider on staff once the consumer states she is looking to obtain an abortion or birth control. While both the signage and advertising disclosures are significant, the oral disclosure requirement further protects the health and safety of a consumer who has entered a CPC. By drafting a rule on this requirement, we can help ensure that clear guidelines are set so that CPCs cannot skirt legal requirements based on ambiguity or confusion over the rule.

It is similarly important that a confidentiality rule be drafted. CPCs routinely declare that they provide and “free and confidential services²” on their websites or informational materials. Many individuals accessing reproductive health services do so not want their family members or partners to know for various reasons, including safety, especially for those facing intimate partner violence. Confidentiality is central to all aspects of PPNYC’s services in order to respect and protect the health and safety of all of our patients. However, we know that CPCs are not covered by HIPAA laws and are not held to the same standards. Compromising a patient or

² <http://www.pregnancystatenislandny.com/our-services.html>

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consumer's privacy when it comes to personal medical information not only violates the patient's trust but may potentially put a person at risk of significant harm.

Additionally, we recommend the disclosure requirement mandate each pregnancy services center state whether there is a licensed medical provider "on-site." Widely known CPCs, such as "Expectant Mother Care-EMC Frontline Pregnancy Centers" in New York claim they provide services "through partnerships with supervising physicians." Many of our patients' most upsetting stories are from these very centers that provide stigmatizing, inaccurate, and nonmedical information, despite their connection to an off-site "supervising physician." It is important to stress this aspect of the rule, as a major tactic of anti-abortion organizations is to help CPCs file paperwork to become medical clinics by licensing a medical director able to supervise services but not actually having one work on-site. To ensure crisis pregnancy centers are made accountable to the women and families of New York City, it is crucial this component of the law be enforced. Similarly, we expect that in addition to brick and mortar locations, all disclosure requirements will apply to any mobile units run by a CPC.

PPNYC also recommends the Department of Consumer Affairs enact clear accountability measures once this rule is adopted. We expect the City's ability to issue violation penalties will largely be complaint driven, and we propose a website and 311 reporting mechanism be put into place in order for individuals to report any such incidents. This method of accountability is extremely effective; as a reproductive healthcare provider, we are often the first to hear client stories regarding CPCs' use of deceptive tactics. The reporting and sharing of these firsthand client stories was central to the initial passage of this law. Furthermore, in order to ensure the confidentiality component of the rule is protected, there must be an effective and accessible reporting system in place. A system that enables New Yorkers to report any such violations adds greater oversight and helps all individuals to better protect themselves.

To further ensure accountability and transparency, PPNYC recommends DCA publish a list of CPCs that have been issued violations on its website. This would enable New Yorkers to be better informed of their reproductive health care options and hold CPCs more accountable for upholding these requirements.

Thank you for the opportunity to testify on this important issue and I would be happy to take any questions or provide additional information.

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Since 1916, Planned Parenthood of New York City (PPNYC) has been an advocate for and provider of reproductive health services and education for New Yorkers. Through a threefold mission of clinical services, education, and advocacy, PPNYC is bringing better health and more fulfilling lives to each new generation of New Yorkers. As a voice for sexual and reproductive health equity, PPNYC supports legislation and policies to ensure that all New Yorkers—and, in fact, people around the world—will have access to the full range of reproductive health care services and information.