

October 26, 2018

Randy Oostra, DM, FACHE
President and CEO
ProMedica
100 Madison Avenue
Toledo, OH 43604

RE: COMPLAINT FILING

Dear Mr. Oostra:

I write as Board President on behalf of Greater Toledo Right for Life's (GTRL) Board of Directors and also on behalf of The Right To Life Action Coalition of Ohio's (RTLACO) Executive Committee. We are urging you in the strongest possible terms to immediately terminate ProMedica's relationship with Capital Care.

This past Thursday, our two organizations, with the unanimous vote of each Board, filed a complaint with The Ohio Department of Health, The Ohio Attorney General, and The Ohio Inspector General against Terry Hubbard and The Ohio Department of Health. We are seeking a suspension and/or revocation of the Ambulatory Surgical Facility (ASF) license granted to Hubbard.

Mr. Oostra, it is well known throughout Ohio the role that you, as CEO of ProMedica, played in promoting your Board's approval of a written transfer agreement (WTA) with Hubbard. Without ProMedica's granting of this WTA, Hubbard's abortion clinic would have ceased to exist months ago. And the deaths of some six hundred children since May might never have taken place.

Our complaint charges – among other, more serious, allegations – that Hubbard misled and manipulated Toledo Hospital and the ODH regarding the WTA. In light of the enclosed information, we can only conclude that ProMedica failed to do proper due diligence on Hubbard, her organizations, and the abortionists performing the termination of life surgeries. Under your leadership, ProMedica has chosen to do business with an organization that is demonstrably deceitful, financially irresponsible and totally reckless in its operations. The clear fact is, if you were to propose the acquisition of this ASF by ProMedica, no competent Board would ever approve the transaction.

A copy of the complaint we have filed and its exhibits are enclosed. It lays out the following facts regarding Hubbard and/or her management company, T&S Management:

- (1) Hubbard employed deceptive practices in obtaining the WTA from ProMedica;
- (2) She has a history of serious public health violations, some of which resulted in the forced closing of her clinic in Cuyahoga Falls;
- (3) She is facing over \$650,000 of tax liens against her business;



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(4) She has had an ambulatory surgical center license cancelled by order of the Ohio Supreme Court;

(5) She then had a \$40,000 fine levied against her organization for improper treatment of a patient; and, perhaps most serious of all,

(6) She hired a doctor whose license had been revoked for several years because of his criminal record as a sexual predator, whereupon he was again arrested for sexual offenses while on staff at CCN.

Incredibly, this complaint does not even contain the entire sordid record of this operator and her organizations. Hubbard and T&S are defendants in Franklin County Common Pleas Court in a civil case brought by a physician group known as Downtown Gynecologists, claiming she committed fraud, deceit, breach of contract, and theft of equipment and patient records.

Public records and information available on the internet show that four of the five abortionists who have been employed by the Capital Care of Toledo facility have at one time or another been fined by a State Medical Board or had their medical licenses suspended – or even revoked.

Two examples stand out. Dr. David M. Burkons had his license suspended on July 12, 2017, for 180 days, with three years' conditional probation, for offenses including prescribing of controlled substances on a non-disclosed basis to more than a dozen patients.

Additionally, Thomas Michaelis, now in federal prison, had his license revoked in the 1990's after pleading guilty in Lucas County on multiple sexual offenses involving his teenage daughter's friends. He moved to Arizona, where he was denied a state medical license due to his sexual convictions in Ohio. He became a women's health doctor on a federal Indian reservation, from which he was fired one year later for non-disclosure of his criminal past. His license was then renewed in Ohio. Hubbard hired him to perform abortions in Toledo and then placed him in a leadership position with Founder's Women's Health Clinic in Columbus, which she operated. She knew – or certainly should have known – of his sexual convictions. Yet she hired him anyway. In 2014, while he was working at Capital Care, Dr. Michaelis was again arrested, this time on federal child pornography charges. At the time, of course, he was routinely having the most intimate contact with young female patients who had entrusted their health and well-being to CCN. The Toledo Blade reported on Dr. Michaelis' 2014 arrest and conviction, but they neglected to inform the public that he was employed by Hubbard's clinic. One can only conclude that they concealed this unquestionably salient fact in order to protect Hubbard's operation.

I ask you directly, Mr. Oostra: Why would ProMedica ever want to associate itself with this organization?

But – as shocking as you might find this litany of outrage – that's not all. As you know, ASF's are required to have a competent administrator on-site to oversee day-to-day operations. Prudence would seem to require that – at a minimum – the administrator should have formal education and training in medicine, nursing and/or health care administration. Hubbard's administrator – embarrassingly – has none of these. What is her background? Simply, Schuyler Beckwith has long been a local Democrat Party political operative working for pro-abortion politicians. She works for Planned Parenthood, and her education includes a bachelor's degree in political science and a master's degree in public policy from Central European University, in Budapest, Hungary. And yet, here she is, responsible for supervising a medical services organization with which you and your Board have deemed worthy to associate ProMedica.

Mr. Oostra, you may doubt some of the information contained herein. But if you review the points I have made, you will observe that everyone is a matter of public record. And still, somehow, under your leadership, ProMedica has elected to allow this medically deficient and morally reprehensible ASF to exist. Certainly, the women of Northwest Ohio, their families – not to mention ProMedica, the premiere health care provider in the area – all deserve better.

You may know of the organizations on whose behalf I write to you: GTRL has the financial support of hundreds of residents in Northwest Ohio, and RTLACO is the most effective grass-roots Pro Life organization in Ohio, composed of the leading Right To Life organizations of Cleveland, Cincinnati, Columbus, Dayton, Toledo and others. Together, we have the backing of many thousands of Ohioans. And our members and supporters know a large number of ProMedica employees, scores of whom are telling us they regret that ProMedica has made the decision to support the demonstrably substandard Capital Care.

Based on ProMedica's prior reputation for excellence, we believe it likely that you, your Board, and your advisors did not do a complete due diligence check of Hubbard and T&S Management of Columbus before you signed the WTA. If you had, you would have uncovered their disgraceful history for yourselves and would have backed away from this ill-conceived association. We, on the other hand, have undertaken such a check. And now we are informing you of our findings.

I am appealing to you on behalf of our two faith-based organizations, both committed to women, to children, and to the community of Northwest Ohio. I implore you to prevail upon your Board and rescind the decision to support Terry Hubbard and Capital Care Network in light of their outrageous and disturbing record of malfeasance.

In the Name of a just and all seeing God, please revoke your WTA. Toledo and all Ohioans will be watching.

Yours Truly,



Jeffrey C. Barefoot JD, CPA, CFP

President, Greater Toledo Right for Life
Member, Executive Board-Right to Life Action Coalition of Ohio