

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PRETERM-CLEVELAND, INC.,	:	Case No. 1:18-cv-109
et al.,	:	
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
vs.	:	
	:	<u>DECLARATION OF IRIS E.</u>
LANCE HIMES, et al.,	:	<u>HARVEY IN SUPPORT OF</u>
	:	<u>PLAINTIFFS' MOTION FOR A</u>
Defendants.	:	<u>TEMPORARY RESTRAINING</u>
	:	<u>ORDER AND/OR</u>
	:	<u>PRELIMINARY INJUNCTION</u>
	:	

I, Iris E. Harvey, pursuant to 28 U.S.C. §1746, declare under penalty of perjury that the following is true and correct:

1. I am the President and Chief Executive Officer of Planned Parenthood of Greater Ohio (“PPGOH”). PPGOH is a not-for-profit organization with headquarters in Columbus.

2. PPGOH maintains nineteen health center locations in communities throughout north, east, and central Ohio. PPGOH provides a broad range of medical services to women and men in Ohio, including birth control, gynecological examinations, cervical pap smears, diagnosis and treatment of vaginal infections, vasectomies, testing and treatment for sexually transmitted infections, HIV testing, pregnancy testing, and abortions. In addition, PPGOH provides extensive health education programs for teens and young adults as well as infant mortality reduction programs.

3. My responsibilities at PPGOH involve overseeing the services and programs provided by our health centers. I am therefore familiar with the services we provide and the patients we treat. This declaration is based upon my personal knowledge and knowledge I have

acquired in the course of my duties with PPGOH. If called and sworn as a witness, I could and would testify competently thereto. I have read the complaint in this action and verify that all of the facts regarding PPGOH are true based either on my personal knowledge or my personal investigation of those facts.

4. PPGOH provides surgical abortion up to 19 weeks 6 days gestation as measured from the first day of the woman's last menstrual period ("LMP"), and medication abortion up to 70 days LMP.

5. PPGOH's patients seek abortion for a variety of reasons, including familial, medical, financial, and personal. Among other reasons, some women have abortions because they do not want to start or add to their family at that time, some to preserve their life or their health, and some because they have become pregnant as a result of rape. Some women who seek abortions do so because the fetus has been diagnosed with a medical condition or anomaly, including Down syndrome.

6. It is at the core of PPGOH's mission to provide compassionate, non-judgmental care to our patients. This includes supporting a woman's right to make her own decision about whether or not to continue a pregnancy based on what she decides is best for herself and her family.

7. All PPGOH patients who seek an abortion have two appointments at one of our health centers, the first for the informed consent process, including a non-directive discussion regarding their options, and the second for the abortion. Part of the discussion includes ensuring that a patient is certain in her decision to terminate the pregnancy, and that her decision is informed and voluntary. If a patient is uncertain, we will not proceed with the abortion.

8. PPGOH does not require patients to disclose their reasons for seeking an abortion, nor do we believe it would be appropriate to require them do so. However, some, but not all, patients do disclose their reasons during discussions with our staff, and this includes patients who are seeking an abortion in whole or in part because of a diagnosis or indication that the fetus has Down syndrome.

9. Patients who are seeking an abortion because of a fetal anomaly, including Down syndrome, sometimes bring their medical records with them to their appointment, and these records contain information about the fetal diagnosis. We also at times request medical records for these patients from their regular obstetrician-gynecologist or maternal fetal medicine (“MFM”) physician.

10. Another way we sometimes learn that a patient is seeking an abortion at PPGOH because of a fetal diagnosis of Down syndrome is through physicians, including MFM specialists, who refer patients to PPGOH. At times, these physicians will contact PPGOH or our physicians to let us know that they are referring a patient, and at that time will alert us to the fetal diagnosis of Down syndrome and often fax us a patient’s medical records.

11. Patients who seek an abortion because of a fetal diagnosis of Down syndrome make up a small number of PPGOH’s patients. However, PPGOH treats these patients on a regular basis, and I am certain that these patients will continue to seek care from us in the future.

12. If H.B. 214 takes effect, PPGOH will have no choice but to stop providing abortions to patients who we know are seeking an abortion in whole or in part because of a diagnosis or indication of Down syndrome in order to avoid criminal and civil penalties against PPGOH and our physicians. We will have no choice but to refer patients to an out-of-state health center.

Dated: February 15, 2018

/s/ Iris E. Harvey _____

Iris E. Harvey