



**State of Louisiana**  
Louisiana Department of Health  
Office of the Secretary

April 15, 2020

Ms. Kathaleen Pittman  
Hope Medical Clinic  
210 Kings Highway  
Shreveport, LA 71104

Re: Healthcare Facility Notice Order #2020-Covid19-ALL-006  
Healthcare Facility Notice Order #2020-Covid19-ALL-007

Dear Ms. Pittman:

As you are aware, the Louisiana Department of Health (LDH), Office of Public Health (OPH), through Dr. Jimmy Guidry, State Health Officer, issued the above orders on March 18 and March 21, 2020, respectively. The orders applied to your facility and were intended to address issues related to the spread of Covid-19. Specifically, the initial order directed that any and all medical and surgical procedures that can be safely postponed for a period of thirty (30) days shall be so postponed. The second order was issued to aggressively address the COVID-19 emergency, with directions to preserve Personal Protective Equipment (PPE), and to utilize hospital staffing, equipment, and bed capacity for the Covid-19 emergency. In doing so, the Department directed that all medical and surgical procedures shall be postponed until further notice, subject to specific exceptions. The first exception allowed those procedures that were for the treatment of an emergency medical condition. The second exception was to allow procedures that would prevent further harms from underlying conditions or diseases. The second section of the order also directed that healthcare providers transition to telehealth when medically appropriate and called for a postponement of all in-person healthcare services that can safely be postponed for 30 days. In making this determination, providers were directed to use their best medical judgment and were directed to consider the entire clinical picture.

On April 9, 2020, the Louisiana Attorney General's Office Covid-19 Task Force, in conjunction with complaints received by LDH, conducted an administrative review and site survey of your facility. The purpose of this visit was to gather facts / evidence for LDH's determination of your facility's compliance with the above referenced orders. Additionally, the visit was meant to gather information regarding adhering to Covid-19 precautions in regards to receiving patients, social distancing, PPE usage and PPE inventory. Finally, the visit was meant to gather facts regarding complaints to LDH

concerning certain non-essential providers who are allegedly providing elective medical procedures in contravention of the any emergency declaration / orders.

As a result of the facts and evidence gathered by the Task Force, LDH finds it necessary to direct your facility to provide a specific corrective action plan (CAP) related to several key areas of concern. The Department directs that the CAP be provided on or before April 17, 2020. Failure to provide the requested CAP may lead to adverse action against your facility by the Department. The CAP shall address the issues in the below mentioned paragraphs.

1. In response to a task force question regarding compliance with the above referenced orders, your facility, through Kathleen Pittman, provided agents with a "Policy in Response to Notice" that purported to address #2020-COVID19-ALL-007. It is apparent that this policy attempted to address the order with a blanket statement that Hope's physicians have determined that abortion is time-sensitive and an essential component of comprehensive healthcare alleging that delays "may" increase the risks to patients or make abortion completely inaccessible. The policy also attempted to show compliance with another blanket statement that Hope's physicians have made a determination that the pregnancy related and abortion related healthcare services Hope provides cannot be safely postponed for 30 days.

The Department is of the opinion this blanket statement does not comport with the intent and language of the order and is not evidence of compliance therewith. The relevant order clearly states that the only exceptions are for emergency medical conditions and those procedures allowed to avoid further harms from underlying conditions or disease. Thus, the Department directs your facility to provide an immediate CAP addressing how it will comply with the order and only complete medical and surgical procedures in accordance with these exceptions. Further, the CAP should address the fact that each alleged exception be clearly documented in the individual patient's file and certified to exist by the attending physician.

2. Ms. Pittman stated that Hope Medical has received a large influx of patients from other States and has turned away some patients by sending them to Arkansas and Oklahoma. Ms. Pittman also stated that Hope Medical was booked through the first week of May. Finally, it appears that Hope has not been providing a significantly less number of procedures as compared to pre-order levels.

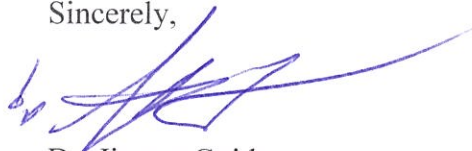
The Department is of the opinion that accepting out of state patients and scheduling patients weeks in advance is evidence that these procedures are de facto not emergency medical conditions. Further, this process is evidence that such procedures were not to avoid further harms from an underlying condition or disease. Thus, the Department directs your facility to provide a CAP that purports to correct this area of alleged non-compliance.

3. As part of the investigation, it appears that Hope Medical is of the opinion that recipients are fearful that Louisiana clinics may be closing and that has caused an increase in procedures. Hope also alleges that patients were scheduled when they called and inquired about performing procedures themselves. As a result, it appears the timing of the procedure and how much space Hope has available is the main deciding factor in performing the procedures. Further, there were no written guidelines for the staff to follow in deciding whether or not a procedure is emergent or not. It appears this decision is left up to the physician after consults and counseling; however, in examining some of the reasons documented in the patient files, it does not appear that such reasons meet the definition of emergency medical condition or to avoid further harms from underlying condition or disease.

The Department directs your facility to provide a CAP whereby Hope Medical insures that any and all medical and surgical procedures clearly meet the exceptions laid out in the applicable order. The reasons should be clearly documented in the patient's medical record.

The Department appreciates your immediate attention to this matter and looks forward to your submission of the CAP by the required date. With kindest regards, I remain,

Sincerely,



Dr. Jimmy Guidry  
State Health Officer