



Thomas More
SOCIETY

Dennis Scott
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Nebraska Department of
Health and Human Services
Post Office Box 94722
Lincoln, NE 68509

Re: Complaint, Bellevue Health & Emergency Clinic;
License No. HC092

May 16, 2024

Dear Mr. Scott:

In the recent past, my clients have provided information concerning License No. HC092 on several occasions. *See e.g.*, Complaint 20232497. Your response on November 30, 2023 was that there was “insufficient evidence to meet the standard of proof.” (Exh. A.)¹

For that reason, a more extensive collection of evidence now has been accumulated and is presented below. Much of the evidence below comes by way of recorded public statements and/or admissions in writing, which should facilitate the anticipated investigation by the Nebraska Department of Health and Human Services (NDHHS). When this evidence is analyzed cumulatively, I think you will agree the situation at the entity sometimes called “Bellevue Health Clinic,” 1002 W Mission Avenue, Bellevue, Nebraska, cries out for an immediate and thorough investigation, likely leading to closure of the facility due to the apparently numerous violations of Nebraska laws and to the apparent dangers posed to Nebraska citizens.

¹ All exhibits are attached.

A. Statement of Evidence

1. Confusion in the Business Entity(ies) Operating the Clinic.

The current owner operators under Nebraska License No. HC092 filed their Health Clinic Initial Licensure Application, dated May 22, 2023, (Exh. C), and NDHHS renewed the license on March 26, 2024 (Exh. Y).

The clinic operates under at least five different names: the “legal name,” “Bellevue Health and Emergency Clinic, Inc.” (Exh. C); doing business as “CARE- Clinic for Abortion and Reproductive Excellence” (*id.*); using the fictitious name, “AbortionClinics.org, Inc. of Nebraska” (Exh. B, Nebraska Secretary of State, Cert. of Good Standing; Exh. E, pp. 1, 4); reporting this fictitious name as the “Exact Corporate Name (as stated in articles of incorporation...)” on the Nebraska Biennial Nonprofit Report (Exh. D); “AbortionClinics.org,” the name of the parent corporation formed in Maryland by many of the same Nebraska owner/operators (Exh. E); “Bellevue Health Clinic,” advertised as the name on the exterior of the business premises. (Exh. X.)

The same clinic claims to operate under several different, contradictory business entity formations at the same time. On April 18, 2023, the clinic filed, 2 ½ weeks late, as a foreign nonprofit corporation, incorporated in Maryland, in its biennial report to the Nebraska Secretary of State. (Exh. D; *see also*, Exh. B). Nonetheless, in its Health Clinic Initial Licensure Application, signed about a month later on May 22, it checked the “for-profit” corporation box. (Exh. C.) Despite the corporate paperwork above, NDHHS records showed this business formation to be a sole proprietorship, not a corporation, as of May, 2023. (Exh. K.)

Due to the myriad of names used by this abortion business and due to conflicting statements about its entity status, this Complaint will refer to the business operated under License No. HC092 in Bellevue, Nebraska, as either “the abortion clinic” or “the Carhart clinic.”

The current owner/operators of the clinic made the falsifications and/or careless statements above on official documents required by Nebraska regulatory agencies. The statements demonstrate the Carhart clinic apparently does not take seriously its responsibilities, as further demonstrated repeatedly below. Further investigation is warranted to determine the true name and nature of this entity operating in Bellevue, Nebraska, so that it can be appropriately monitored.

2. Evidence of Unlicensed Abortions Conducted at the Clinic on May 3, 2023.

On May 3, 2023, women were observed for four hours entering the abortion clinic in Bellevue, Nebraska, formerly operated by LeRoy Carhart. Witnesses estimated approximately nine patients entered. The arriving patients were met outside by pro-abortion “escorts,” the presence of whom always indicates abortions are taking place inside the Carhart abortion clinic, according to witnesses who have observed that clinic for many years.

LeRoy Carhart, the doctor in charge of the Bellevue abortion clinic, *had died five days earlier*, on April 28. None of the current owner/operators of the abortion clinic are doctors. Rather, they are all family members of the late LeRoy Carhart. (*See* Exh. B.)

Abortions are conducted surgically or by a chemical process. LeRoy Carhart’s Dispensing Practitioner Pharmacy License, #1001881, had been rendered void April 28, 2023, the day he died. Dispensing licenses are effective only as to the individual possessing them, not to the clinic where the licensee worked. (*See, e.g.*, Exh. N, NDHHS Dispensing Practitioner License Closing Form, ¶ 1.) Chemical abortions on May 3 required a different Dispensing Practitioner Pharmacy License.

In an email² on May 12, 2023, one of the current owner/operators of the Carhart clinic, LeRoy Carhart's daughter, Janine Weatherby, showed she was well aware it was illegal to conduct chemical abortions without a valid dispensing permit. On that date, she wrote to NDHHS personnel, “The clinic is intended to continue. We are on hold with patients while I did a new dispensing license.” (Exh. K.) This appears to be a false statement made to a Nebraska regulatory agency: the clinic clearly was not “on hold” on May 3. It was operating at full tilt on that date.

In emails to NDHHS on June 5 and 6, 2023, Weatherby stated her clinic would be limited to chemical abortions and stated the clinic did not have a dispensing license as of June 6. (Exh. H.) Thus, any chemical abortions conducted on May 3 were unlawful.

If surgical abortions occurred on May 3, they would have required someone licensed to practice medicine in Nebraska. In a news story on [August 1 in the Council Bluffs Nonpareil](#), Weatherby stated publicly that Dr. Tyrone Malloy already had become the medical director of the clinic, intimating the change had occurred immediately after LeRoy Carhart’s death in April:

² All emails provided as exhibits to this Complaint were received by way of open-records requests by a third party, subsequently made available to my clients.

A Bellevue health clinic that provides abortions remains in operation following the death of its medical director in April.... In the wake of Carhart's death, *Dr. Tyrone Malloy took over as medical director.*³ Carhart's daughter, Janine Weatherby, told the *Times* that the Bellevue Health Clinic has just one doctor.

Dr. Malloy did not have a Nebraska medical license on May 3, 2023 ... and not at the time of Weatherby's statement on August 1 either. His application for such a license was not even received by NDHHS until June 14, 2023, nearly a month and a half after the May 3 abortions. (Exh. F.)

As of the date of this Complaint, NDHHS still has not acted on Dr. Malloy's application for a medical license. This is probably due to his alarmingly dangerous background, which includes patient deaths, conviction and imprisonment for felony Medicaid fraud, and surrender of his medical license due to malpractice. (See Exh. G (*sans* exhibits previously sent to NDHHS).)

In a letter dated March 29, 2024, NDHHS informed one of my clients concerning the investigation of Dr. Malloy's application for a medical license as follows, "The State is taking no further action in this matter." (Exh. G.) It is notable that NDHHS simply could have denied the license, on substantial grounds, but did not do so. NDHHS' response does not rule out granting the license sometime in the future.

The fact that the current owner/operators of the Carhart abortion clinic even attempted to bring to Nebraska someone with such a lurid record as Dr. Malloy is a clear indication their clinic poses an ongoing danger to Nebraska patients.

A credible informant with an insider's knowledge of the Carhart clinic indicated in advance that the abortions of May 3 would be conducted by Dr. Malloy and "his associate." It was later discovered that "his associate" may refer to Dr. Tamer Middleton. Dr. Middleton did not become licensed in Nebraska under the State Compact system, until July 17, 2023 (Exh. I) ... 2 ½ months after the May 3 abortions

Follow-up investigation also is warranted into the process that allowed Dr. Middleton to receive a medical license in Nebraska. In November, 2021, Dr. Middleton was sued in Alabama involving alarming allegations of medical malpractice (Exh. M, pertinent pages only), of the sort from which Nebraska citizens should be spared. That case has not been resolved as of the date

³ All emphasis is added throughout, unless otherwise indicated.

of this Complaint.

It gets worse. Even the Carhart clinic itself was unlicensed on May 3, 2023. NDHHS informed Weatherby in an email dated May 19, 2023, that Weatherby “will not be able to open and run the health clinic until you have a new license issued.” (Exh. Z.) The new license was issued to Weatherby by letter dated June 6. (*Id.*) It is uncertain whether Weatherby informed NDHHS she already had operated the clinic without a license, at least on May 3, and perhaps on other dates.

Further investigation is warranted as to the extent of unlicensed operation of the clinic after the death of Leroy Carhart, April 28 through June 6, 2023.

In summary concerning the May 3 violations, the written statements cited above can be reasonably evaluated as admissions of illegal abortions and/or other unlicensed medical practice occurring at the Carhart clinic on May 3, 2023. There appears to have been no licensed doctor, there was no dispensing physician pharmacy license and the clinic itself was unlicensed. And Weatherby admitted the clinic “remains in operation” for abortion, which was confirmed by patients coming for appointments.

3. Evidence of Unlicensed Abortions Conducted at the Clinic on July 7, 2023.

On July 7, 2023, abortions apparently were done at the Carhart abortion clinic, due to the same indicators as on May 3 (described above). None of the observers outside the clinic saw a physician arrive on site to be involved in the abortions.

A woman identified as Karolina Ogorek, however, was dropped off by an Uber driver and went in through the garage of the Carhart clinic, through which typically the abortion doctors come and go to the clinic. As shown online, Ms. Ogorek currently is a clinical administrator at an abortion clinic in Bristol, Virginia, not a physician able to conduct abortions. (Ms. Ogorek also has some connection with abortions conducted in Greer, South Carolina, and at one time was the administrator for the Knoxville Center for Reproductive Health Inc. in Tennessee.)

Ms. Ogorek claimed in a July 19, 2023 email on behalf of the Carhart abortion clinic to NDHHS, “I have *begun the process of hiring* new physicians for *our* clinic. ... *Our first physician* to be added is Dr. Middleton.” (Exh. J, including Weatherby in the email strings.) As noted above, Dr. Middleton’s license was not even issued until July 17 -- 10 days after the abortions of July 7 -- and as of July 19, was still “to be added” in the future.

Ms. Ogorek's collaborative or proprietary claim to the Carhart clinic – indicated above as “our clinic”-- also warrants investigation as to the nature of her involvement, apparently from Virginia/Tennessee.

4. **Evidence of Unlawful Pharmaceutical Dispensing Related to Dr. Garry Siegel, 2023.**

Dr. Garry Siegel of Atlanta, Georgia, was issued a Provisional Nebraska Pharmacy Dispensing Practitioner license on June 7, 2023, and an active one on September 1, 2023. (Exh. O) Dr. Siegel died from ongoing brain cancer two months later on November 1, 2023, according to his [online obituary](#). The handwriting on the application for his dispensing license, dated May 10 (Exh. P) appears to be the same handwriting as on the application for the Carhart abortion clinic's Health Clinic Initial Licensure Application (Exh. C), signed by Janine Weatherby. Due to the late stages of Dr. Siegel's brain cancer, it is as yet unknown whether he actually was involved in completing the application forms for his dispensing license. This is yet another matter that begs for further investigation.

According to his Georgia licensure profile, Dr. Siegel's hospital privileges were restricted for causing the death of a patient in 2015. (Exh. Q.) His privileges also had been suspended in 2010 for failure to perform a C-section in a timely manner. (*Id.*) In 2016, Dr. Siegel settled two malpractice cases for \$1 million each. (*Id.*) His online obituary (see above) stated “he semi-retired from full-time work in 2017.”

Approximately six years after the alarming events leading to his semi-retirement, Dr. Siegel was issued a Nebraska compact license on May 9, 2023. (Exh. R) Further investigation should be conducted to determine how that happened.

A definite pattern has developed: the Carhart clinic repeatedly attempts to bring into Nebraska physicians who are clearly troubled, in the least, and potentially dangerous to Nebraska patients. This pattern is continuing. (See below.) It is yet one more reason to conduct an extensive investigation of the clinic.

Dr. Siegel apparently was not involved with the Carhart abortion clinic until long after he received his Nebraska medical license on May 9, probably not until the fall of 2023 after obtaining his dispensing license on September 1. This is evident because administrator Ogorek claimed in a July 19, 2023, email to NDHHS on behalf of the Carhart abortion clinic that she had *begun the*

process of hiring new physicians for the abortion clinic, and “[o]ur first physician to be added is Dr. Middleton.” (Exh. J (copying owner/operator Weatherby).)

On July 6, 2023, NDHHS conducted an inspection of the Carhart clinic in advance of the Pharmacy Quality Assurance Report and found the *clinic to be in non-compliance*. “Inspector found *multiple* prescriptions dispensed by Dr. Hanson were labeled with Dr. Siegel’s name *in violation of NE Revised Statute 71-2479*.” (Exh. P, p. 6 of 7.) This indicates the Carhart abortion clinic was dispensing medications under Dr. Siegel’s name before Dr. Siegel had obtained his license as a Nebraska Pharmacy Dispensing Practitioner.

NDHHS acknowledged this was a *violation of law*. Nonetheless, the NDHHS pharmacy inspector wrote less than two weeks later, “This inspection is OK and with the deficiencies corrected, fully complies and should be issued a dispensing practitioner license.” (Exh. P.) It should be noted that NDHHS granted the issuance of a dispensing practitioner license to Dr. Siegel on behalf of the Carhart clinic despite that NDHHS was on notice that the apparent offender, Dr. Hanson -- who apparently falsely labeled medications with Dr. Siegel’s name “in violation of NE Revised Statute 71-2479” -- was still an active member of the Carhart clinic’s dispensing team. It was not until August 29 – 1.5 months after this acknowledged violation -- that Janine Weatherby asked NDHHS to remove Dr. Hanson’s name from the list of dispensing physicians under Dr. Siegel. (Exh. J.)

Dr. Marilee Hanson practices in Edina, Minnesota. (Exh. S.) She obtained her Nebraska Medical license on March 1, 2023. (*Id.*) There is no evidence she ever obtained a license as a Nebraska Pharmacy Dispensing Practitioner. In fact, it is unclear what connection she had at the Carhart abortion clinic, since as indicated above, Ms. Ogorek and owner-operator Weatherby had not begun the process of hiring new physicians for the clinic until July 19, with the “first physician to be added is Dr. Middleton.” (Exh. J)

If despite the Carhart clinic’s previous statements it had not hired anyone and if the clinic subsequently claims Dr. Hanson had been involved in abortions on May 3 or July 7, she conducted those abortions illegally – with the full knowledge of the owners of the clinic. This is because owner/operator Weatherby stated to NDHHS, “all we will be doing is medical [chemical/prescription] abortions” (Exh. H) and because no dispensing practitioner license had been issued to anyone on behalf of the Carhart clinic until September 1, 2023. (Exh. O) Weatherby’s statement that only chemical abortions were done was corroborated by witnesses’

observations that the patients remained inside the clinic on May 3 and July 7 much too briefly for surgical abortions.

5. Evidence of Unlicensed Abortions and Unlawful Dispensing at the Clinic in November, 2023.

Dr. Garry Siegel died from brain cancer on November 1, 2023, just two months after being granted a Nebraska Pharmacy Dispensing Practitioner permit on September 1. On November 2, 2023, witnesses saw Dr. Jill Meadows arriving at the abortion clinic, positively identifying her from other circumstances. Nine women were observed entering the Carhart's abortion clinic on November 2, 2023.

On November 2, Dr. Meadows held a Nebraska medical license (Exh. U), but she did not hold a license as a Nebraska Pharmacy Dispensing Practitioner. (*See* Exhs. O and T.) On the same day following Sr. Siegel's death, an application for a dispensing license was filed on behalf of Dr. Aaron Campbell to use at the Carhart clinic, but his provisional dispensing physician license was not effective until November 15. (Exh. W.) Thus, no one held a dispensing physician license on behalf of the Carhart abortion clinic on November 2. Therefore, since owner/operator Weatherby wrote to NDHHS on June 5, "all we will be doing is medical [chemical/prescription] abortions" (Exh. H), the abortions conducted on November 2 were done unlawfully ... again.

This is further corroborated by Dr. Aaron Campbell's application for a dispensing license. (Exh. W.) Like the application of Dr. Siegel (Exh. P), the handwriting on the application for Dr. Campbell's dispensing license appears to be the same handwriting as on the application for the Carhart abortion clinic's Health Clinic Initial Licensure Application, signed by Janine Weatherby. (Exh. C.) Dr. Campbell's application for a dispensing license answers the question, "Anticipated date dispensing will begin" as follows: "ASAP Dr. Died [sic] have patients needing to be seen." (Exh. W.) Presuming that someone from the abortion clinic – perhaps Weatherby -- completed Dr. Campbell's application, it indicates the owner/operators of the clinic were well aware that the clinic could not dispense the abortion pill after the death of Dr. Siegel on November 1. Yet Dr. Campbell's application for a dispensing license was dated November 2, 2023, the same date on which nine women were observed entering the Carhart abortion clinic.

This "patients-needing-to-be-seen" statement on Dr. Campbell's application appears to be another misleading statement by the clinic to NDHHS. It intimates that patients are *not* being seen,

while awaiting the dispensing license. In fact, patients were being seen on the very date these words were written on the application. This statement mirrors Weatherby's apparently false "clinic-on-hold" statement to NDHHS on May 12. (See §A.2 above.)

Furthermore, by way of an open-records request, it appears at least ten prescriptions for Misoprostol were filled on November 7, 2023, and mislabeled again, this time using Dr. Campbell's name. (Exh. W.) Dr. Campbell's provisional license was not effective until November 15. (*Id.*) This appears to be the same situation NDHHS found on July 6 to be "in violation of NE Revised Statute 71-2479" when Dr. Siegel's name was used. (§ A.4, above.). This second mislabeling offense, coming so soon after the previous one, appears to be another willful violation of the law.

6. Evidence of Current Dangers Posed by Dr. Aaron Campbell.

Dr. Aaron Campbell lives in Pittsburgh, Pennsylvania, and travels around the country doing abortions. (See magazine articles below.) He obtained his Nebraska compact medical license on August 4, 2023. (Exh. V). His provisional Nebraska Pharmacy Dispensing Practitioner permit became operational on Nov. 15, 2023. (Exh. W)

Just weeks before obtaining his dispensing license for the Carhart clinic, Dr. Campbell had been quoted in a national publication that he advises his post-abortion patients to conceal facts that might aid proper diagnosis of those patients by subsequent treating doctors:

I tell patients from Texas that if they have to go to the hospital for excessive bleeding [after an abortion done by Campbell], to just tell the ER that you were pregnant and you think you're having a miscarriage I know you live in New Mexico, but just so you know, if you go to Texas for some reason, say that. They cannot tell the difference between a miscarriage and medication abortion.

[Andrews, "The Rise of the Abortion Cowboy" \(*Mother Jones*, 10-17-23\)](#)

In another article in December, 2023, Dr. Campbell confessed being enormously stressed out, eating "mostly takeout food while he crisscrossed the nation," unable to overcome fatigue, his personal relationships falling apart, being on the edge of burn-out and not sure he wants to be a doctor anymore. [Pedulla, "When Dobbs forced one doctor to shutter his abortion clinic, he took his mission on the road," \(*StatNews*, 12-14-23\).](#)

According to this article, Dr. Campbell constantly travels from one abortion clinic to another in such places as: Pittsburgh, PA, Bristol, VA, Charlotte, SC, Las Cruces, NM,... and

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now Bellevue, NE.

In his own words in this article, Dr. Campbell admitted:

He felt numb. ‘I don’t know that I’ve had a lot of time to think about ... like who I am,’ Campbell said in August while visiting the Las Cruces clinic. *The stress, he said, has become almost unbearable.* He felt as if he were inventing this job on the fly week after week, determining how much he could take on, how much was too much, what *level of risk was too high....*

He had started popping Ambien to sleep at night and spent every spare minute studying for a certifying exam that loomed. He was nervous. He hadn’t practiced aspects of general OB-GYN in many years, but by taking it, he’d become certified in OB-GYN by the American Board of Obstetrics and Gynecologists. What if he failed the test? He felt trapped in an insidious loop of flights, rental cars, hotel rooms, and dozens of appointments in myriad cities and imprisoned by what he saw as a moral duty.

One day around that time, as he fought against the *grip of burnout*, he made a startling confession. ‘Now I just don’t really want to be a doctor, sometimes.’

Id. Dr. Campbell, who is only 32 years old, admitted that just before medical school he had serious emotional problems and drank significantly too much. *Id.* He also admitted he currently *carries firearms at all times, even while operating on patients. Id.*

The end of this December, 2023 article mentions that Dr. Campbell recently agreed to act as the doctor for the Carhart abortion clinic. *Id.* Repeatedly in December, 2023, and in February and March, 2024, an abortion doctor – presumably Dr. Campbell, since he is the only one known to be employed there currently – drove into the Carhart clinic garage while wearing a skeleton mask. This corroborates his own statements above about his tenuous mental status.

From Dr. Campbell’s words and actions, this sounds like a disaster waiting to happen in Nebraska.

7. Evidence of “Fly-by” Physicians Bringing Additional Dangers to Nebraska Patients.

All of the abortion doctors discussed above live out of state and fly in to conduct abortions. Thus, even if these doctors only conduct chemical abortions, they dispense abortion drugs and then promptly fly out of Nebraska, perhaps before the most acute mifepristone-caused cramping even begins.

Studies show that complications from the mifepristone/misoprostol regimen are much more prevalent and much more dangerous than the secretive abortion industry acknowledges. *See*

e.g., [National Institutes of Health](#), Spring 2021 (20 deaths, 529 life-threatening incidents, 1957 severe incidents; significant underreporting); [U.S. Food and Drug Administration](#) (32 American deaths through 12-31-2022); [American Family Physician](#), Jan. 2022 (“The overall complication rate of medication abortion after an appropriate in-person evaluation is 5.2%, based on a large study.... Of the 2,660 unique U.S.-only codable adverse event reports submitted for mifepristone between 2000 and 2016, 73% were classified as severe, 20% were life-threatening, and 0.75% resulted in death.”) While apologists for the abortion industry tend to quibble with any abortion-adverse statistics, no one reasonably could deny that severe or life-threatening consequences can result from chemical abortions.

Nonetheless, the Carhart clinic leaves Nebraska patients without a reliable way to receive follow-up care from the doctors who know precisely what actually happened. Moreover, as stated above, Dr. Campbell is notorious for instructing some of his patients *not* to be truthful with subsequent treating physicians about what really happened to them.

Of course, there is the additional issue of whether Dr. Campbell, or any of these fly-by abortion physicians, even have had admitting privileges at the local hospitals. It is unlikely, given Nebraska law does not yet require admitting privileges and given these fly-by physicians appear to establish only the bare-minimum connections to Nebraska necessary to allow them to do abortions here and get out in a hurry.

As with so many of the matters discussed above, this also cries out for extensive investigation by NDHHS.

8. Evidence of Intentional False Advertising, Contrary to Informed Consent.

Consistently since LeRoy Carhart’s death on April 28, 2023, his former abortion clinic continues to mislead the public that Dr. Carhart still operates the clinic. This is abusive and unethical. Not many of the women coming to the clinic for what is typically an independent medical incident – that is, not pursuant to an ongoing, trusted medical relationship -- are likely to research whether the clinic’s currently advertised doctor actually is *no longer alive*.

As of April 30, 2024, nearly a year after LeRoy Carhart’s death, a very large sign on the outside of the clinic prominently advertises Carhart – and Carhart only – as the doctor operating the abortion practice there. (Exh. X; *see also* attached to Exh. X the Google map image, dated 11-

2023.⁴) To re-enforce the blatant falsity that Carhart is still operating the facility, the abortion clinic's current website displays on its "About Us" page a photograph of a much younger LeRoy Carhart and states that he "*now works full-time* providing abortions, teaching other providers in the techniques of first, second, and third trimester abortions [some of which have long been illegal in Nebraska], and acting as a consultant to abortion and family planning clinics throughout the United States." (Exh. X.) The remainder of the "About Us" page extols Dr. Carhart abortion-related awards.

The obvious intent here is to entice abortion-prone women to come to the Carhart clinic because of the celebrity and alleged expertise of its current, long-time abortion doctor. Except it fails to state he no longer does abortions there, because he is no longer alive.

The website's attempted glorification of LeRoy Carhart in itself gives a false impression. It conspicuously fails to provide highly relevant information about Carhart's own horrific history of medical malpractice lawsuits, medical emergencies and patient deaths. (Documentation available upon request.)

It also is notable that the Carhart clinic website does not honestly inform its potential patients of its apparently chaotic medical practice in the wake of Carhart's death, with its ever-changing slate of fly-by physicians, as described above, at least some of whom have dangerous medical histories. It is doubtful that before arriving at the Carhart clinic a patient would have sufficient information about the person who actually will abort her child, not even so much as the part of the country the attending abortion doctor is from. (That assumes, of course, that there *is* in fact an abortion doctor on site at the time of abortions, which has yet to be established by adequate investigation.) If there are complications or follow-up questions, the patient would not have a clue how to find the person who caused them.

The Carhart clinic's website also fails to inform prospective patients that the clinic is not even accredited. The Carhart clinic is not accredited currently, and is not planning to become accredited, by any of six listed accreditation organizations listed on the Health Clinic Initial Licensure Application. (Exh. C.) The obvious implication is that the current Carhart clinic owner/operators know the clinic could not achieve such accreditation. Tellingly, the website also fails to inform its prospective patients that not one of the owner-operators of the Carhart abortion

⁴ It is telling that the Carhart clinic reputedly occupies a former auto mechanic shop, as illustrated in these photos.

clinic is even a physician. (*Id.*)

B. Initial Legal Analysis of Grounds for Discipline

Section 38-182 of the Nebraska Revised Statutes provides, in relevant part:

A credential to operate a business may ... have disciplinary measures taken against it in accordance with section 38-196 on any of the following grounds:...

(2) Committing or permitting, aiding, or abetting the commission of any unlawful act;

(3) Conduct or practices detrimental to the health or safety of an individual served ... by the business;

Any act performed by an employee or agent of the Carhart clinic is attributable to the clinic under the principle of *respondeat superior*. See e.g. *Kocsis v. Harrison*, 249 Neb. 274, 281, 543 N.W.2d 164, 169 (1996). Likewise, an employee or agent's criminal acts also are attributable to the clinic, provided the act occurred in the scope and course of the employment or agency and the criminal act was performed, at least in part, with the intent to benefit the corporation. See *United States v. Richmond*, 700 F.2d 1183, 1194, 95 (8th Cir. 1983).

1. Unlawful Acts: Abortions by Unlicensed Physicians.

Only a physician licensed by the State of Nebraska to practice medicine in Nebraska may perform an abortion. §§28-326(9) and 28-335(1). Nebraska prohibits telemedicine abortion. Neb. Rev. Stat. §28-335(2). Aiding and abetting someone who is not credentialed to practice a profession that requires a credential is a Class IV felony. Neb. Rev. Stat. § 38-1,117 (4).

The Carhart clinic appears to have committed unlawful acts meriting disciplinary measures by conducting abortions on May 3, July 7 and November 2, 2023. There was no licensed doctor, and there was no dispensing physician pharmacy license on May 3 and July 7. (Statement of Evidence, §§ A.2 and A.3, above.) While a licensed abortion doctor was on site on November 2, there was no dispensing license on that date. (§ A.5.) A limited amount of further investigation presumably would confirm these facts.

2. Unlawful Acts: Abortions in an Unlicensed Health Clinic.

On May 3, 2023, abortions were conducted in the Carhart clinic, which itself was not

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licensed at the time, according to NDHHS' own records. (§ A.2.) Further investigation could reveal other incidents of abortion or medical treatments in this unlicensed health clinic before the date of licensure on June 6, 2023. (*Id.*) In fact, any patients seen by the clinic between April 28 and June 6, 2023 would constitute separate violations.

3. Unlawful Acts: Dispensing Drugs Without a Delegated Dispensing Permit.

An entity located within the state of Nebraska operating as a Public Health Clinic that dispenses prescription drugs must obtain a Delegated Dispensing permit, issued to a particular individual, the "primary holder" of the license. (*See* Neb. Rev. Stat. § 38-2882; [NDHHS Delegated Dispensing Permit, Public Health Clinic](#), 4-29-24.) The dispensing license runs with the individual holding the license, not with the facility. [Nebraska Dispensing Practitioner License Closing Form](#), ¶1, 4-29-24.

On July 6, 2023, NDHHS conducted an inspection of the Carhart clinic and "found multiple prescriptions dispensed by Dr. Hanson were labeled with Dr. Siegel's name in violation of NE Revised Statute 71-2479." (§A.4.) Thus, NDHHS found the Carhart abortion clinic was unlawfully dispensing medications under Dr. Siegel's name approximately two months before Dr. Siegel had obtained on September 1 his license as a Nebraska Pharmacy Dispensing Practitioner. Presumably, NDHHS' use of the word, "multiple," indicates there were many, proven violations of Nebraska law.

A nearly identical mislabeling offense appears to have occurred just four months later in November, when multiple prescriptions were filled under Dr. Campbell's name, well before NDHHS had granted even his provisional license. (§A.5.)

The Carhart clinic's repeated violation of the same statute indicates the clinic has little regard for Nebraska law.

4. Conduct or Practices Detrimental to Health or Safety: Violations of §38-2021.

Nebraska law defines "unprofessional conduct" to include "Performance by a physician of an abortion as defined in subdivision (1) of section 28-326 under circumstances when he or she will not be available for a period of at least forty-eight hours for postoperative care unless such postoperative care is delegated to and accepted by another physician." Neb. Rev. Stat. §38-2021(1). The Nebraska Supreme Court has recognized that when an abortion doctor leaves before

48 hours has elapsed following an abortion, it is detrimental to health or safety: “One problem discussed during the [legislative] committee hearing concerned a doctor traveling to a town to perform abortions and then leaving town at the end of the day without arranging for proper follow-up care.” *Mahnke v. State, Dep't of Health & Hum. Services*, 276 Neb. 57, 68–69, 751 N.W.2d 635, 644 (2008).

There could be an argument that the word, “postoperative” refers only in surgical abortions. That would be an unreasonable conclusion for two reasons. First, Section 38-2021 *expressly states* that it covers chemical abortions. Section 2021 states it applies to all abortion defined in Neb. Rev. Stat. § 28-326 (1), which in turn states, “Abortion means the use or *prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy....*”. Second, it would make no sense for the legislature to require 48-hour protection for only some abortion patients but not for others who also are vulnerable to complications. (*See* §A.7.)

Since LeRoy Carhart’s death on April 28, 2023, the clinic’s business model appears to operate solely by bringing in abortion doctors from out of state. Presumably, none of them stay in Omaha a full 48 hours after the last abortion. Witnesses repeatedly have observed abortion doctors leaving the Carhart clinic at the end of the day’s abortions, not to return for many days, until the next day of scheduled abortions. Thus, the Carhart clinic’s business model appears intentionally to involve violations of Nebraska law.

These violations will require only limited further investigation: determine whether the clinic allegedly had delegated follow-up care to another physician, whether it did so prior to notification of this anticipated NDHHS investigation and whether such an alleged pre-existing relationship with another physician, if any, can be confirmed credibly and reliably.

5. Conduct or Practices Detrimental to Health or Safety: Importing Dangerous Doctors.

The Carhart clinic’s pattern of repeatedly attempting to bring to Nebraska physicians who are clearly troubled and potentially dangerous is, in itself, still another, independent practice detrimental to health and safety of Nebraskans. This pattern is a continuation of a model founded on the late Leroy Carhart’s malpractice. (§A.8.) Drs. Malloy and Siegel have distinctively disturbing medical records. (§§A.2, A4.) Dr. Middleton likewise is involved in an ongoing grisly

malpractice suit. (§A.2.)

Particularly unsettling is Dr. Campbell, apparently the current holder of the physician position at the Carhart clinic. He has been recorded saying that he tells his patients to lie to subsequent treating physicians; he practices under “unbearable” stress, fatigue and burn-out; he criss-crosses the country as a circuit-riding abortion doctor; he carries a firearm at all times, even while treating patients . (§ A.6.)

A health clinic demonstrating such an eager embrace of malpractice appears of itself to be detrimental to health and safety of Nebraskans.

6. Failures to File Reports.

“Every business credentialed under the Uniform Credentialing Act shall report to the department the name of every person without a credential that he or she has reason to believe is engaged in practicing any profession or operating any business for which a credential is required by the Uniform Credentialing Act.” Neb. Rev. Stat. § 38-140. This is a mandatory reporting requirement.

NDHHS conducted an inspection in July, 2023, and determined that the Carhart clinic on multiple occasions had dispensed mislabeled prescriptions, falsely under Dr. Siegel’s name, in violation of Nebr. Rev. Stat. 71-2479. (§A.4) It can be presumed the Carhart clinic had not reported these violations in advance of the NDHHS inspection. Thus, the clinic violated Neb. Rev. Stat. § 38-140.

Likewise, if it is determined the Carhart clinic violated the law in conducting uncredentialed abortions on May 3, July 7 and November 2, 2023 (§§ A.2, A.3, A.5), these also would demonstrate the clinic’s additional violations for correlating failures to report.

All of these failures to report also apply, individually, to any doctors or nurses working at the clinic on the dates listed. They all had the duty to report. “Every credentialed person who has first-hand knowledge of unlicensed, illegal or unethical activities is required to report (includes self-reporting) within 30 days of the occurrence. Failure to report may result in discipline.” Investigations, [NDHHS Investigations. What Needs to be Reported](#), 4-29-24. Further investigation to identify these credentialed individuals who failed to report would be relatively simple.

7. Conduct Likely to Deceive or Defraud the Public.

“[U]nprofessional conduct means any departure from ... the standards of acceptable and prevailing practice of a profession or the ethics of the profession, ... or conduct that is likely to deceive or defraud the public or is detrimental to the public interest....” Neb. Rev. Stat. § 38-179. The Nebraska Administrative Code further states, “Unprofessional conduct is set out in Neb. Rev. Stat. §§ 38-179,...” and includes, “Practicing medicine under a false or assumed name....” 172 NAC 88.009(G).

-- The clinic’s continuous advertisement of LeRoy Carhart’s “credentials” a full year after his death (§ A.8) is in blatant disregard of the clinic’s ethical responsibility. This appears to be part of a disturbing trend of the current owner/operators of the abortion clinic to entice unwary potential patients by creating a highly inaccurate impression of likely outcomes.

Further deception also may have occurred in the manner by which the dispensing application of the late Garry Siegel (§A.4) was completed, since he had brain cancer at the time. Further investigation also is warranted concerning the dispensing application of Aaron Campbell, which was submitted immediately after Dr. Siegel’s death and which appears to have been completed by the same person who had completed Dr. Siegel’s application. (§A.5.) The doctors’ signatures have been redacted on both applications.

8. Potential False Statements to NDHHS.

On May 12 and again on November 2, 2023, the clinic apparently made misleading statements to NDHHS, indicating the clinic was refraining from operating while awaiting action on two separate dispensing applications. (§A.4 and §A5.) In fact, the evidence shows that on both occasions, contrary to its statements to NDHHS, the clinic was operating in violation of the law.

9. Aberrant Behavior Reasonably can be Expected to Interfere With Patient Care.

Under the Nebraska Administrative Code, “unprofessional conduct” also includes, “Disruptive physician behavior as manifested by a physician’s aberrant behavior which interferes with patient care or could reasonably be expected to interfere with patient care,” 172 NAC 88.009(C).

As stated above, Dr. Aaron Campbell practices under “unbearable” stress, fatigue and burn-out, is in the habit of wearing a skeleton mask while driving and carries a firearm while

treating patients . (§ A.6.)

10. Other Pertinent Provisions of Nebraska Law.

Most if not all of the conduct discussed above also could be categorized as either:

- “A departure from or failure to conform to the ethics of the medical profession, found in the “Principles of Medical Ethics” as revised on June 2001 and as published by the American Medical Association....”172 NAC 88.009(D); or
- Conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public, not to include a single act of ordinary negligence; 172 NAC 88.009(Q)

The analysis in Section B above is not intended to limit the consideration of other violations as well. It is presumed there may well be other relevant legal theories applicable to the Carhart clinic, particularly in light of additional anticipated investigation.

C. Request for Enforcement

In your letter of November 30, 2023 (Exh. A), you informed my client that the appropriate professional board could be requested to review the complaint at its next scheduled meeting and provide its recommendation to NDHHS on whether there should be a licensure investigation. Based on the foregoing, consider this a request for the appropriate professional board to review this information and provide its recommendation to NDHHS.

1. Temporary Suspension of the Clinic’s License.

The Division of Public Health of the DHHS “may temporarily suspend or temporarily limit any credential issued by the department without notice or a hearing if the director determines that there is reasonable cause to believe that grounds exist” as to individual or business and there is “imminent danger to the public health and safety.” Neb.Rev.Stat. § 38-183. On the basis of the accumulated apparent violations and dangers described above, an immediate suspension would be a wise course of action, while further investigation is completed.

2. Robust Investigation.

A truly robust investigation is requested. This Complaint provides sufficient reason for such an investigation. Yet this Complaint is based primarily on readily available information, without the benefit of NDHHS' ability to interview certain witnesses and to compel production of documents. *See* Neb. Rev. Stat. § 38-1,138 (2)(e) ("sufficient to provide a reasonable basis to believe that a violation has occurred or to secure necessary evidence from other sources.")

Similarly, whereas this Complaint focused on certain dates when violations appeared to occur – for instance, May 3, July 7 and November 2, 2023 – an energetic NDHHS investigation can gather information as well on many other dates surrounding these target dates. Presumably, the clinic operated on many other dates between April 28 and November 15, 2023, other than those highlighted in this Complaint. On many of those dates, the same violations may have occurred as indicated in this Complaint.

In addition, a serious investigation should compare the abortions indicated in the clinic's own files against those abortions it reported. Detailed reports of every abortion -- including the type of abortion, the doctor and any complications -- must be filed each month. Neb. Rev. Stat. §28-343. The details in these reports are available to NDHHS, although not to the public. Failure to report properly is a Class II misdemeanor. Neb. Rev. Stat. § 28-344. As indicated by the the Carhart clinic's apparent reporting discrepancies (§B.6), there are likely to be other failures to report.

It would be unreasonable to give the clinic advance notice of an upcoming investigation or file review, which would give them time to clean up or hide files and information.

3. Petition for Discipline and Revocation of Clinic License.

On the basis of just the readily available information presented in this Complaint alone – and even more so, presuming some additional NDHHS corroboration and investigation -- it subsequently would be reasonable for the Nebraska Board of Medicine and Surgery to recommend to the Office of the Nebraska Attorney General the filing of a petition for discipline against the clinic, likely to result in demanding the voluntary surrender or the forced revocation of License No. HC092.

The clinic's myriad apparent violations and dangers are serious ones. They call for serious action, including revocation of business license. Lesser penalties would not be adequate. For

instance, the clinic already received a form of leniency from NDHHS after the clinic egregiously mislabeled prescriptions in July, 2023. When it perpetrated the same violation again in November, the clinic showed it cannot be trusted and deserves no further leniency. The same is true of the clinic's apparent knowing violations of the law and of the misleading statements to NDHHS, as described above. Thus, inappropriate penalties would include probationary conditions accompanying suspension or self-monitoring accompanying consent agreements and cease-and-desist orders.

It appears the Carhart clinic has rung most the bells -- if not all of them -- favoring revocation of its license.

The criteria to be considered in determining an appropriate professional disciplinary sanction... include: (1) the nature of the offense; (2) the need for deterring others; (3) the maintenance of the reputation of the profession as a whole; (4) the protection of the public; (5) the attitude of the offender generally; and (6) the offender's present or future fitness to continue in the practice of the profession.

See Poor v. State, 266 Neb. 183, 195, 663 N.W.2d 109, 118-19 (2003) (affirming NDHHS' revocation of individual chiropractor's license). Likewise, the Carhart clinic has exhibited an ongoing pattern of conduct, much of it intentional, supporting professional discipline (as opposed to single act of ordinary negligence). *See Whittle v. Dept. of Health & Human Services*, 309 Neb. 695, 720, 962 N.W.2d 339, 356 (2021) (affirming six-month suspension of medical license).

While it would be reasonable to take decisive action at this juncture, it would not be reasonable for NDHHS to do nothing. Formerly, I was a federal prosecutor and the lead attorney for one of the units of the United States Attorney's Office in Phoenix. Rarely was my group of attorneys presented with this much readily available information with which to pursue an investigation as NDHHS has available to it in this matter.

This festering situation has ominous indicators of a disaster waiting to happen.

I look forward to hearing from you.

Sincerely,



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