



REPRODUCTIVE EQUITY NOW

Executive Office of Health and Human Services
1 Ashburton Place
Boston, MA 02108

Massachusetts Department of Public Health
99 Chauncy Street
Boston, MA 02111

Re: Complaint Regarding Your Options Medical Mobile Unit

October 17, 2023

To Whom it May Concern:

I write on behalf of Reproductive Equity Now¹ to express our concern about potentially deceptive practices Your Options Medical anti-abortion mobile unit appears to engage in and the resulting impact on pregnant people seeking care. The Your Options Medical mobile unit preparing to operate on Cape Cod advertises free pregnancy testing and ultrasounds with “immediate” pregnancy results on the mobile unit itself, yet Your Options Executive Director Teresa Larkin has stated “when we say immediate results, we usually mean preliminary findings.”² It is not clear from Ms. Larkin’s statement what “preliminary findings” of pregnancy “results” are or how Your Options Medical obtains those findings. Pregnant people may detrimentally rely on the promise of “immediate results” to make time-sensitive medical decisions. Based on the discrepancy between the advertised services on the mobile unit and the statements of Ms. Larkin, Your Options Medical may be engaging in deceptive practices and potentially endorsing out-of-scope diagnoses by registered nurses in order to provide the advertised immediate results.

The advertisement on the mobile unit and Ms. Larkin’s statements raise two important issues. First, Ms. Larkin’s statements suggest that the Your Options Medical mobile unit may be falsely advertising “immediate results.” Second, if the Your Options Medical mobile unit is offering “immediate results” following an ultrasound, we have serious concerns that clinicians may be operating beyond their scope of practice.

Your Options Medical operates three clinic locations in Brookline, Fall River, and Revere.³ It has also operated a mobile unit in western Massachusetts and has recently moved to launch the

¹ Reproductive Equity Now works to make equitable access to the full spectrum of reproductive health care a reality for all people regardless of their gender, age, race, ethnicity, zip code, income, immigration status, disability, or sexual orientation. Advancing reproductive justice and eliminating barriers to safe, legal abortion care are central to our mission.

² Sophie Mann-Shafir, *Mobile Anti-Abortion mobile unit Arrives in Wellfleet*, THE PROVINCETOWN INDEP. (Aug. 16, 2023), <https://provincetownindependent.org/featured/2023/08/16/mobile-anti-abortion-mobile-unit-arrives-in-wellfleet/>.

³ YOUR OPTIONS MEDICAL, <https://youoptionsma.org/> (last visited Oct. 13, 2023).

mobile unit on Cape Cod.⁴ Your Options Medical’s Revere clinic location and Southbridge mobile unit are licensed by DPH. Your Options Medical is an anti-abortion center (AAC), commonly referred to as “crisis pregnancy centers” or “CPCs”, which works to dissuade pregnant people from obtaining abortions. AACs are nonprofit organizations that often present themselves as medical clinics offering pregnancy-related care while actually seeking to prevent people from obtaining abortion care.⁵ In Massachusetts, AACs outnumber legitimate abortion clinics by more than double.⁶

Based on recent press reports, Your Options Medical appears to engage in intentionally misleading and deceptive practices about the services offered to people seeking abortion and pregnancy-related care by advertising “free pregnancy testing and ultrasounds” with “immediate results” on the mobile unit itself while stating that, in fact, the results are “preliminary findings.”⁷ It is against nursing standards of conduct for nurses to “engage in false, deceptive, or misleading advertising related to the practice of nursing.”⁸ Additionally, it is “against the public interest” for advertising of the practice of medicine to be “false, deceptive, or misleading.”⁹ The mobile unit advertises “free pregnancy tests and ultrasounds” with “immediate results”¹⁰ but Ms. Larkin has stated this is not actually how the services are offered. Ms. Larkin has claimed that the ultrasounds would be read by a registered obstetrician or radiologist but has no plans for the doctor to be onsite to immediately review ultrasounds.¹¹ Instead, Ms. Larkin reports the ultrasound images taken in the mobile mobile unit will be sent digitally to a physician, and she estimates results to be reviewed by the physician within 24 to 48 hours.¹² A 24- to 48-hour delay in results is not “immediate results” and raises concerns of deceptive advertising in violation of Board of Registration in Medicine and Board of Registration in Nursing regulations.¹³

We have further concerns regarding Your Options Medical’s claim to be able to provide appropriate and in scope diagnostic ultrasound services, if they seek to act on their claim of providing “immediate results.” Without a physician available to immediately interpret an ultrasound and provide “immediate results,” we are concerned that registered nurses could be operating outside of their scope of practice by diagnosing ultrasounds immediately. Any such

⁴ Sophie Mann-Shafir, *Mobile Anti-Abortion Center Is Coming to the Cape*, THE PROVINCETOWN INDEP. (Aug. 2, 2023), <https://provincetownindependent.org/local-journalism-project/next-generation/2023/08/02/mobile-anti-abortion-center-is-coming-to-the-cape/>.

⁵ Frequently, AACs are religiously affiliated and do not provide abortion or contraception or make referrals for abortion or contraceptive care, though some such as Your Options Medical, do provide pregnancy tests, STI testing, and ultrasounds. See Melissa N Montoya et al, *The Problems with Crisis Pregnancy Centers: Reviewing the Literature and Identifying New Directions for Future Research*, INT’L JOURNAL OF WOMEN’S HEALTH (June 8, 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9189146/>.

⁶ REPRODUCTIVE EQUITY NOW, *New England Abortion Care Guide*, <https://reproequitynow.org/abortioncareguide> (last visited Oct. 4, 2023).

⁷ Mann-Shafir, *supra* note 1.

⁸ 244 Mass. Code Regs. 9.03.

⁹ 243 Mass. Code Regs. 2.0.

¹⁰ Mann-Shafir *supra* note 1.

¹¹ *Id.*

¹² *Id.*

¹³ 243 Mass. Code Regs. 2.07; 244 Mass. Code Regs. 9.03.

action would be unlawful. Registered nurses are not permitted to diagnose; only licensed doctors or Advanced Practice Registered Nurses are permitted to do so.¹⁴

Out-of-scope practice is not only unlawful, but also may result in a misdiagnosis. This can lead to delayed care and life-threatening complications, as is the case in a lawsuit filed against a licensed AAC in Worcester, in which a woman alleges that a registered nurse at the center acted out of their scope of practice to diagnose her ultrasound and misdiagnosed her ectopic pregnancy.¹⁵ This misdiagnosis resulted in invasive emergency surgery to stop her hemorrhaging and the removal of a fallopian tube.¹⁶ While Your Options Medical mobile unit has yet to begin operating on Cape Cod, we are alarmed by reporting indicating their plan to make only registered nurses and volunteers available at appointments, while simultaneously advertising “immediate results,” which could set up a scenario for out-of-scope practice and patient endangerment.¹⁷

We are alarmed by the comments of Ms. Larkin which suggest Your Options Medical engages in deceptive and intentionally misleading practices and creates a basis for an investigation as to whether or not out of scope medical practice is occurring at these licensed clinics. We urge the Division of Health Care Facility Licensure and Certification to investigate the Your Options Medical licensed clinics to ensure patient safety *and* that the standards set forth by the Board of Registration in Nursing and the Board of Registration in Medicine have been adhered to.

Sincerely,



Rebecca Hart Holder
President
Reproductive Equity Now

CC: Executive Office of Health and Human Services Secretary Kate Walsh
Massachusetts Department of Public Health Commissioner Dr. Robert Goldstein
Board of Registration in Medicine
Board of Registration in Nursing
Division of Health Care Facility Licensure and Certification

¹⁴ 243 Mass. Code Regs. 2.01; 244 Mass. Code Regs. 3.02; 244 Mass. Code Regs. 10.0.

¹⁵ Ivy Scott, *Crisis pregnancy center accused of failing to care for Worcester woman who was later forced to have emergency abortion*, BOSTON GLOBE (June 22, 2023, 2:30 PM), <https://www.bostonglobe.com/2023/06/22/metro/clearway-clinic-lawsuit/>.

¹⁶ *Id.*

¹⁷ Mann-Shafir *supra* note 1.