



Alliance Defending Freedom
801 G St., NW, Suite 509
Washington, DC 20001

April 11, 2013

To Selected Members of Congress

**Re: Report on Potential Fraud by Planned Parenthood Affiliates
Relating to Grants from Susan G. Komen for the Cure**

Members of Congress:

As Alliance Defending Freedom demonstrated in our October 26, 2011 and February 6, 2012 reports to Congress in which we identified waste, abuse and potential fraud by Planned Parenthood and other family planning providers of more than \$108 million taxpayer dollars, this report identifies an additional area of potential fraud by Planned Parenthood affiliates relating to grants received by these affiliates from Susan G. Komen for the Cure (“Komen”), the nation’s best-known and best-funded breast cancer organization.

From January 1, 2007, to December 31, 2011, pursuant to an arrangement with PPFA, Komen disbursed grants totaling nearly \$3,000,000, or about \$600,000 per year, to Planned Parenthood affiliates. These grants were intended by Komen to provide breast cancer screening services to low-income women. However, although Planned Parenthood affiliates received Komen funds to provide these services, for such services as Planned Parenthood affiliates in fact provided to clients, Planned Parenthood affiliates appear to have also submitted claims to and been reimbursed by federal and state Medicaid authorities for those very same services.

Just as was reported in Alliance Defending Freedom’s February 6, 2012, report to Congress, Planned Parenthood again appears to have taken advantage of “overbilling” opportunities to maximize its revenues from complex, well-funded federal and state programs that are understaffed and rely on the integrity of the provider for program compliance.

According to Komen IRS Form 990 returns for years 2007 through 2011 (which includes data from April 1, 2007, through March 31, 2012), Planned Parenthood affiliates received approximately \$3 million in grants from Komen. During the course of its

investigation, Alliance Defending Freedom has filed state open records requests with 20 state government agencies seeking to determine whether and how Planned Parenthood accounted for this revenue stream from Komen. Many unanswered questions remain. Chief among these is why Alliance Defending Freedom found no evidence that Planned Parenthood had offset any of its Medicaid billings to reflect the fact that Komen had been subsidizing Planned Parenthood's breast cancer screening services. Indeed, Planned Parenthood's Medicaid billings have not declined with this new revenue stream. In most cases they have grown even as Komen has been providing its grants.

If, as it appears, Planned Parenthood has indeed continued to bill Medicaid for services for the same low-income women for whom Komen was already paying it to serve, and made no deductions from its Medicaid reimbursement requests for the amounts of the Komen grants, this amounts to "double-dipping" at taxpayer expense. All the while, PPFA has pursued an aggressive public relations campaign in which it professes a devotion to the health of low-income women while apparently pocketing nearly \$3 million in Komen grants for services that were fully reimbursed at taxpayer expense, thereby padding the bottom line of Planned Parenthood's billion-dollar enterprise.

In developing this report, Alliance Defending Freedom has interviewed both confidential and public sources; reviewed Komen IRS Form 990s; analyzed thousands of pages of Planned Parenthood documents, publicly reported claims by Planned Parenthood spokespersons, and media reports; and requested and reviewed documents produced by relevant state Medicaid authorities in response to state open records laws.

Alliance Defending Freedom commends this report to the appropriate Congressional oversight committees for further investigation and responsive action.

**Summary of Planned Parenthood's Potential Fraud
Relevant to the Komen Grants**

Planned Parenthood Federation of America, based in New York, NY, directs all activities, programs, services, and pronouncements of each of its affiliates.¹ Affiliates must "conform[] to the purposes, written policies and standards of PPFA." "[E]ach Affiliate which provides medical services shall provide such services in conformity with the PPFA Medical Standards and Guidelines." PPFA reviews annual audits and management letters of each affiliate and may impose administrative probation if an

¹ Amended and Restated Bylaws of the Planned Parenthood Federation of America, Inc., as Amended by the Membership at Its Meeting on March 29, 2008. According to these bylaws, PPFA's National Office "provide[s] the leadership required for policy and program initiatives," "administers the standards maintained by the Membership," "provides a structure that encourages Affiliates to participate in the planning and executing of policies and plans," "provid[es] leadership, support, and services," "fundraises in the name of affiliates," and "provide[s] guidance and counsel on [some] legal matters."

affiliate's audited financial statements report a deficit in expendable net assets. *See* Appendix B for information regarding PPFA's organization and structure.

In 2007-2011, pursuant to an arrangement with PPFA, Komen awarded grants to Planned Parenthood affiliates totaling nearly \$3,000,000,² or an average of approximately \$600,000 per year. *See* Appendix A. Komen's stated purpose for these grants to Planned Parenthood affiliates, and the affiliates' expressed intent when they applied for the grants, was to fund breast cancer screening, treatment, and/or education of low-income women.

According to information obtained by Alliance Defending Freedom, during this same five-year period, Planned Parenthood affiliates received nearly \$2.3 billion of taxpayer monies for services rendered to low-income, Medicaid-eligible women. Significantly, these services included manual breast cancer screenings, a commonly included part of an annual well-woman examination and other commonly provided family planning office visits billed as a bundled visit. Indeed, PPFA reports that a manual breast exam is a part of every well-woman examination its clinics perform, billable to Medicaid for eligible low-income women, but also that mammography is the single most beneficial tool in detecting early and treatable cancer.³ These same manual breast cancer screenings were also funded as a result of Komen grants.

Medicaid providers are not permitted to bill Medicaid for services paid for by third parties, and Medicaid regulations require that providers accept as payment in full the amount paid by Medicaid for those services. *See* 42 CFR 447.15 ("A State plan must provide that the Medicaid agency must limit participation in the Medicaid program to

² It should be noted that the grants are separated between amount paid and accrued in the 2007 Form 990, as is reflected in Appendix A. Komen grants have been provided to Planned Parenthood affiliates for some time. In a 2010 interview with *The Daily Caller*, a Komen spokesperson confirmed the funding to Planned Parenthood by Komen: "From 2004-2009 Komen affiliates contributed about \$3.3 million to programs sponsored by Planned Parenthood and in FY 2009, \$731,303." Caroline May, *Komen Breast Cancer Charity Provides Funding for Planned Parenthood*, THE DAILY CALLER, Oct. 12, 2010, <http://dailycaller.com/2010/10/12/komen-breast-cancer-charity-provides-funding-for-planned-parenthood/#ixzz2I3wieNXN>. Verification for these grants, as well as funds for subsequent years, can be found in, among other documents, the IRS Form 990s for The Susan G. Komen Foundation. *See* Susan G. Komen for the Cure, *About Us: Financial Information*, <http://ww5.komen.org/AboutUs/FinancialInformation.html>.

³ *See*, for example, an announcement for a 2013 "mobile mammography clinic" by Planned Parenthood Arizona, Inc., which clearly states: "Mammography has proven to be the single most beneficial tool in detecting early and treatable cancer." <http://www.plannedparenthood.org/ppaz/free-mammogram-clinic-39903.htm> Planned Parenthood's website states, "Breast cancer screenings, such as breast exams or mammograms, help detect breast cancer in its earliest, most treatable stage. These breast cancer detection tools can save lives. More than nine out of 10 women who detect breast cancer early live at least five years — and many live much longer." <http://www.plannedparenthood.org/health-topics/womens-health/breast-cancer-screenings-21189.htm>.

providers who accept, as payment in full, the amounts paid by the agency plus any deductible, coinsurance or copayment required by the plan to be paid by the individual.”) Our investigation shows no reason to believe, and very substantial reason to doubt, that Planned Parenthood consistently complied with this rule. It appears that Komen grants in fact paid for manual breast cancer screening services for which Planned Parenthood affiliates were already reimbursed with taxpayer dollars. Komen grant funds should have been first applied to offset the charges to the Title XIX-Medicaid program for breast cancer screenings and services that included those screenings. Then, and only then, the balance should have been billed to federal and state Medicaid programs. Where Komen grants had already paid Planned Parenthood to provide women with breast exams and breast health education, Planned Parenthood was prohibited from billing Medicaid for those same services.

We have found no evidence that Planned Parenthood accurately accounted for these grant funds in its Medicaid billings. Consequently, it appears that Planned Parenthood affiliates have overbilled federal and state Medicaid authorities by as much as \$3,000,000, the amount of these grants, during the last five years. Alternatively, the Komen Foundation’s grants to Planned Parenthood, which Komen claimed to have restricted for only certain uses, were in fact used for other purposes by Planned Parenthood.

Komen Announces Decision to De-Fund Planned Parenthood

On January 31, 2012, Komen, in part due to concerns by then-Komen Senior Vice President Karen Handel that Komen grant funds were not being used by Planned Parenthood for the intended purposes,⁴ announced that it would cease future grants to PPFA and Planned Parenthood affiliates. Komen knew that Planned Parenthood had no mammography capability, and thus the only breast cancer screenings allegedly performed by Planned Parenthood affiliates were manual exams performed as part of annual well-woman examinations or other similar in-clinic examinations. Komen determined that, among other issues of concern, Planned Parenthood affiliates could not demonstrate that they had properly or adequately met Komen’s goal of providing reliable breast cancer screenings to low-income, Medicaid-eligible women.

Despite claims by PPFA and Planned Parenthood affiliates that they were performing manual breast cancer screenings on and referring to mammography facilities “thousands” of referrals of Medicaid-eligible clients whose breast cancer screenings were being paid for by Komen grants, neither PPFA nor its affiliates provided any known documentation to Komen to support this contention.⁵ In addition, at least as of January

⁴ See Karen Handel, “Planned Bullyhood: The Truth Behind the Headlines About the Planned Parenthood Funding Battle with Susan G. Komen for the Cure” (New York: Howard Books, 2012).

⁵ See, e.g., Handel, “Planned Bullyhood, 68-70.

31, 2012 and, in all probability, to the current date, neither PPFA nor any of the Planned Parenthood affiliates that had received Komen grants ever provided Komen with reports on the number of manual breast cancer screenings actually provided to clients as a result of Komen grants, the number of referrals by Planned Parenthood affiliates to mammography clinics of clients purportedly referred by them, or amounts which Planned Parenthood contended had been paid by Planned Parenthood affiliates to these mammography clinics to reimburse the mammography clinics for mammography examinations. Thus, neither PPFA nor its affiliates identified to Komen the number of women to whom breast cancer screenings had been provided, the number of women referred by Planned Parenthood affiliates to mammography facilities as a result of breast cancer screenings, the amounts allegedly paid by Planned Parenthood affiliates to mammography providers to which Planned Parenthood affiliates had referred clients, or the amounts of reimbursements sought from federal and state Medicaid authorities and received by Planned Parenthood affiliates for services that had also been covered by grants from Komen.

**Planned Parenthood Defrauds the Public in
Responding to Komen's Defunding**

Immediately following Komen's January 31, 2012, announcement it had decided to discontinue future grants to Planned Parenthood affiliates, rather than respond with facts and statistics, PPFA launched a virulent political and media campaign against Komen. Despite the fact that Planned Parenthood affiliates were being reimbursed by Medicaid for the same breast cancer screenings done as part of routine well-woman examinations that were being reimbursed by Title XIX Medicaid program administrators, PPFA created the illusion that PPFA relied totally on Komen grants to provide breast cancer screening examinations for low-income, Medicaid-eligible women and that, if the Komen grants were not restored, women's health would dramatically suffer as Planned Parenthood affiliates would no longer be able to provide such services.

PPFA's carefully orchestrated campaign was multi-faceted and included engaging members of Congress, the national media, and local affiliates of both Planned Parenthood and Komen.

On February 2, 2012, twenty-six United States Senators sent a letter to Komen urging it to reconsider its decision to cut funding from Planned Parenthood for breast cancer screenings for the poor. The letter read, in part: "This troubling decision threatens to reduce access to necessary, life-saving services. . . . It would be tragic if any woman – let alone thousands of women – lost access to these potentially life-saving screenings because of a politically motivated attack. We earnestly hope that you will put women's health before partisan politics and reconsider this decision for the sake of the women who depend on both your organizations for access to the health care they need."⁶ The

⁶ Letter from U.S. Sens. Frank Lautenberg, D-N.J.; Patty Murray, D-Was.; Barbara Mikulski, D-Md.; Barbara Boxer, D-Calif.; Maria Cantwell, D-Wash.; Kirsten Gillibrand, D-N.Y.; Robert

implication, falsely fostered by Planned Parenthood's public relations and political campaign, was that these services were not already being fully covered by Medicaid and being provided by Planned Parenthood affiliates.

Despite PPFA's claims that it had been essentially "blindsided" by Komen's "attack," Komen had not yet then made or publicly announced its decision to defund Planned Parenthood affiliates. Nevertheless, continuing with its aggressive campaign, PPFA President Cecile Richards repeatedly released media statements to the effect that Komen's decision would deprive low-income women of much-needed care, including breast screenings and mammograms.⁷

On January 31, 2012, in a *New York Times* article, Cecile Richards accused Komen of succumbing to "right wing" bullying, and claimed that "Planned Parenthood's affiliates provided around 770,000 women with breast examinations and paid for mammograms and ultrasounds for those who needed and could not afford further diagnostic services."⁸ Another January 31, 2012, article by the Associated Press stated that the Komen decision meant a "cutoff of hundreds of thousands of dollars in grants, mainly for breast exams," and quoted Ms. Richards:

Planned Parenthood says the move results from Komen bowing to pressure from anti-abortion activists. Komen says the key reason is that Planned Parenthood is under investigation in Congress — a probe launched by a conservative Republican who was urged to act by anti-abortion groups. . . . Cecile Richards, president of the Planned Parenthood Federation of America, has depicted Stearns' probe as politically motivated and said she was dismayed that it had contributed to Komen's decision to halt the grants to PPFA affiliates. "It's hard to understand how an organization with whom we share a mission of saving women's lives

Menendez, D-N.J.; Ron Wyden, D-Ore.; Richard Blumenthal, D-Conn.; Jeanne Shaheen, D-N.H.; Mark Begich, D-Alaska; Jeff Merkley, D-Ore.; Jon Tester, D-Mont.; Daniel Akaka, D-Hawaii; Bernie Sanders, I-Vt.; Sherrod Brown, D-Ohio; Patrick Leahy, D-Vt.; Max Baucus, D-Mont.; Ben Cardin, D-Md.; Dianne Feinstein, D-Calif.; Al Franken, D-Minn.; John Kerry, D-Mass.; Claire McCaskill, D-Mo.; Debbie Stabenow, D-Mi.; Chris Coons, D-De.; and Jeff Bingaman D-NM; to Komen (February 2, 2012); see also Sunlen Miller, *Senators Urge Komen Foundation to Reverse "Troubling" Planned Parenthood Funding Cut*, ABC NEWS, Feb. 2, 2012, at <http://abcnews.go.com/blogs/politics/2012/02/senators-urge-komen-foundation-to-reverse-troubling-planned-parenthood-funding-cut/>.

⁷ See David Crary, *Cancer Charity Halts Grants to Planned Parenthood*, FOXNEWS, Jan. 31, 2012, <http://www.foxnews.com/us/2012/01/31/cancer-charity-halts-grants-to-planned-parenthood-1227146736/> (last visited January 24, 2013).

⁸ Pam Belluck, *Cancer Group Halts Financing to Planned Parenthood*, NEW YORK TIMES, Jan 31, 2012, http://www.nytimes.com/2012/02/01/us/cancer-group-halts-financing-to-planned-parenthood.html?_r=0.

could have bowed to this kind of bullying,” Richards told The Associated Press. “It’s really hurtful.”⁹

Continuing her efforts, on February 1, 2012, Ms. Richards stated on *The Huffington Post*’s “*The Blog*”:

The news this week that the Susan G. Komen for the Cure Foundation, after years of pressure from political groups, will end its support of lifesaving breast cancer screening at Planned Parenthood health centers comes as a blow to women across America. It is a tremendous disappointment to all of us of who believe that every woman deserves access to quality preventive health care.

Over the past five years, Komen funds have enabled Planned Parenthood health centers to provide nearly 170,000 clinical breast exams (out of the total four million breast exams Planned Parenthood health centers have provided in the last five years) and referrals for more than 6,400 mammograms. These cancer detection and prevention programs saved the lives of women who often had nowhere else to turn for care.¹⁰

As part of the political and media campaign it launched, PPFa repeatedly asserted that mammograms it provided for low-income women were somehow in jeopardy as a result of the Komen defunding decision. During its investigation, Alliance Defending Freedom learned that PPFa has, for years, falsely represented that it relies on Komen grants of approximately \$600,000 per year to provide mammograms for low-income, Medicaid-eligible women. In fact, at no time relevant to its dispute with Komen did any Planned Parenthood affiliate either own or have the required federal license to operate mammography equipment.¹¹ Moreover, Planned Parenthood produced to Komen no

⁹ David Crary, *Cancer Charity Halts Grants to Planned Parenthood*, FOXNEWS, Jan. 31, 2012, <http://www.foxnews.com/us/2012/01/31/cancer-charity-halts-grants-to-planned-parenthood-1227146736/> (last visited January 24, 2013).

¹⁰ Cecile Richards, *On Planned Parenthood and Komen: What You Can Do*, THE HUFFINGTON POST, Feb. 1, 2012, http://www.huffingtonpost.com/cecile-richards/komen-planned-parenthood_b_1248216.html (last visited January 24, 2013).

¹¹ Planned Parenthood affiliates not only do not possess mammography equipment, they are not certified to perform mammograms, and PPFa now concedes that fact. See Josh Hicks, *Obama’s ‘Tonight Show’ Remark: Planned Parenthood Provides Mammograms*, THE WASHINGTON POST, Oct. 26, 2012, http://www.washingtonpost.com/blogs/fact-checker/post/obamas-tonight-show-remark-planned-parenthood-provides-mammograms/2012/10/26/c07f331e-1f16-11e2-9cd5-b55c38388962_blog.html. The Mammogram Quality Standards Act, administered by the U.S. Department of Health and Human Services, mandates that no “facility [may] conduct an examination or procedure involving mammography” without first obtaining proper certification from the U.S. Food and Drug Administration. Alliance Defending Freedom, pursuant to a

evidence that it was actually paying for the large number of mammogram referrals it claimed. Komen had no idea that the same clinical breast exams Komen funded could have been, and apparently were, reimbursed by Medicaid.

In Connecticut, a Planned Parenthood affiliate reported that the Komen funds went toward breast education, mammograms, and ultrasounds, indicating that it used Komen funds in part to pay for about 1,000 mammograms at radiology clinics over a six-year period.¹² The Connecticut media reported that, “The very sudden loss of [Komen] funding means that Planned Parenthood in Connecticut is going to have to find another way to come up with money to pay for mammograms for women who otherwise couldn’t afford it.”¹³

In Iowa, Planned Parenthood of Heartland CEO Jill June, whose affiliate had not previously received Komen grants but was expecting to receive a Komen grant in the future, said the decision to cut grants would directly harm low-income women’s breast health.¹⁴

The “loss of mammogram coverage” theme became a central part of PPFA’s campaign in response to Komen’s defunding decision. For example, in a February 2, 2012, article regarding Connecticut affiliates, “Mammogram program in jeopardy,” it was reported:

The Susan G. Komen Foundation, which advocates for breast cancer treatment and research, announced that it is cutting most of its ties to Planned Parenthood. The very sudden loss of funding means that Planned Parenthood in Connecticut is

response to a federal Freedom of Information Act request, confirmed in 2012 that, as of the time of the Komen controversy, no Planned Parenthood clinic anywhere in the country had obtained proper mammography certification. See Casey Mattox, *Obama Administration: Planned Parenthood Does Not Perform Mammograms*, TOWNHALL, Sept. 7, 2012, http://townhall.com/columnists/casemattox/2012/09/07/obama_administration_planned_parenthood_does_not_perform_mammograms/page/full/; Steven Ertelt, *Obama Falsely Claims Planned Parenthood Does Mammograms*, LIFENEWS, Apr. 6, 2012, <http://www.lifenews.com/2012/04/06/obama-misleads-falsely-claims-planned-parenthood-does-mammograms/>; Letter from [redacted], Paralegal Specialist, Department of Health and Human Services to M. Casey Mattox, Senior Counsel, Alliance Defending Freedom (June 4, 2012), available at <http://www.adfmedia.org/files/DOC702.pdf>; Mammography Quality Standards Act, available at <http://www.fda.gov/Radiation-EmittingProducts/MammographyQualityStandardsActandProgram/Regulations/ucm110823.htm>.

¹² See Amanda Cuda, *Komen Pulls Funding from Planned Parenthood for Breast Cancer Screening*, CTPOST.COM, Feb. 1, 2012, <http://www.ctpost.com/local/article/Komen-pulls-funds-from-Planned-Parenthood-for-2927037.php>.

¹³ Erin Cox, *Mammogram Program in Jeopardy*, WTNH.COM CONNECTICUT, Feb. 2, 2012, <http://www.wtnh.com/dpp/news/health/mammogram-program-in-jeopardy#.UPcmC6X3Cu4>.

¹⁴ See Jill June, YOUTUBE, Feb. 1, 2012. <http://www.youtube.com/watch?v=c-Go183qAUc>.

going to have to find another way to come up with money **to pay for mammograms** for women who otherwise couldn't afford it. The Susan G. Komen Foundation is nationally one of the biggest, best funded breast cancer organizations in the country. Its annual road race in Connecticut raises hundreds of thousands of dollars, some of which is given to the local branches of Planned Parenthood to help **pay for mammograms** for low income women or those without insurance. But that is no longer the case.¹⁵

In a February 2, 2012, article, "Denver Komen to Continue Funding Planned Parenthood for One Year," it was reported:

In 2010, the Denver [Komen] affiliate grant to Planned Parenthood provided breast health/cancer education to 2,264 women, 601 clinical breast examinations and referred and paid for 57 **mammograms**, officials said."¹⁶

Planned Parenthood of the Rocky Mountains in Colorado (PPRM) subsequently represented that Komen grants were to be used for breast cancer screening for low-income women:

Locally, the Denver and Aspen Komen affiliates led other Komen affiliates in protesting and balking at the decision of the national Komen Board, citing the close and productive partnership with PPRM, and providing data and well-thought out reasons why it is essential for Komen to work with PPRM and to meet the needs of uninsured and underinsured women in Colorado.

Last year through Komen funds (four of PPRM's health center's receive Komen funding), PPRM provided 1,000 clinical breast exams, 310 **mammogram referrals**, and over 3,000 breast education services.

. . . Thanks to Komen, [Planned Parenthood of the Rocky Mountains] will be able to provide clinical breast health, screenings, case management, and referrals for follow up care to uninsured and underinsured women in several areas of Colorado.¹⁷

¹⁵ Erin Cox, *Mammogram Program in Jeopardy*, WTNH.COM CONNECTICUT, Feb. 2, 2012, <http://www.wtnh.com/dpp/news/health/mammogram-program-in-jeopardy#.UPcmC6X3Cu4> (emphasis added).

¹⁶ Susan Graybeal, *Denver Komen to Continue Funding Planned Parenthood for One Year*, YAHOO! NEWS, Feb. 2, 2012, <http://news.yahoo.com/denver-komen-continue-funding-planned-parenthood-one-170213191.html> (emphasis added).

¹⁷ Planned Parenthood of the Rocky Mountains, "DIALOGUE" newsletter, Summer 2012, at 7 (emphasis added).

Planned Parenthood's Claimed Numbers Don't Add Up

Planned Parenthood's public claims about how it used the Komen grant funds – and thus whether Planned Parenthood affiliates billed Medicaid for the same services – simply do not add up. *Time* magazine, reporting on how Komen's split with PPFA and its affiliates would affect women's health, based on information from PPFA and quoting Cecile Richards's claims, said:

Planned Parenthood has provided four million breast exams and **referred women for 70,000 mammograms** over the last five years. In 2010, Komen provided about \$680,000 in grants to Planned Parenthood, \$100,000 more than it had in 2009. Those funds paid for about 170,000, or 4.5%, of breast exams (in personnel, training and education fees), and 6,400 of the referrals, **which included mammograms**, ultrasounds and biopsies for women who couldn't pay for them themselves. . . . The loss of funding from Komen may disproportionately hurt those who need cancer screening the most.¹⁸

Medicaid – and in some cases other federal programs – would provide coverage of each of these claimed services “for women who couldn't pay for them themselves.” Our investigation has found no evidence that Planned Parenthood declined to bill Medicaid in these cases. However, even the numbers claimed by Richards don't add up. Taking her at her word, Komen grants provided only \$4 for each clinical breast exam OR about \$106 for each referral for “mammograms, ultrasounds and biopsies.” Either seems unlikely, but a claim that these Komen grants paid for both the clinical breast exams and the referrals is not possible. Thus, Planned Parenthood's own CEO cannot provide any reasonable articulation of how it spent Komen's grant funds – and thus whether it double-dipped into taxpayer funds for the same services.

Additionally, , throughout the Komen controversy, PPFA never mentioned the fact that despite all of the money it receives from a variety of sources, including American taxpayers and Komen, the number of breast exams it performs has actually been *decreasing*. A review of PPFA's own reports reveals that Planned Parenthood actually performed 108,223 fewer breast exams in 2011 than in 2010.¹⁹ In fact, in 2011

¹⁸ Alice Park, *How Will Komen's Split with Planned Parenthood Affect Women's Health?*, TIME, Feb. 1, 2012, <http://healthland.time.com/2012/02/01/how-will-komens-split-with-planned-parenthood-affect-womens-health/?xid=gonewsedit> (emphasis added).

¹⁹ According to Planned Parenthood's own information, the number of breast exams its affiliates provide has been decreasing. For example, the 2010 statistics reveal that affiliates performed 747,607 breast exams out of 11,003,366 total services. See Planned Parenthood Federation of America, *Services*, http://www.plannedparenthood.org/files/PPFA/PP_Services.pdf. These numbers demonstrate that only 6.79% of total services for 2010 were breast exams or breast care. The 2011 (10/1/2010-9/30/2011) statistics show that affiliates performed 639,384 breast exams out of 10,864,659 total services, so only 5.88% of total services were breast exams. See PPFA ANN. REP., 4-5 (2011-2012), 2011 Affiliate Medical Services summary, available at

less than 6% of the total services provided by Planned Parenthood were breast cancer screening exams, despite its dire claims in the media during the Komen controversy that health care for women was in jeopardy.

It should not be surprising that Planned Parenthood would provide relatively few breast exams, as Planned Parenthood's own promotional materials demonstrate that very few of its clients are over the age of 40, much less over the age of 50, the age at which the U.S. Preventive Services Task Force recommends biennial screening mammography for women.²⁰ See Appendix E for information from Planned Parenthood regarding the age of its patients.

<http://www.plannedparenthood.org/about-us/annual-report-4661.htm>. Consequently, according to Planned Parenthood's own figures, they did 108,223 *fewer* breast exams in 2011 than they did in 2010.

²⁰ The U.S. Preventive Services Task Force guidelines state that the standard of care has long been for women to receive mammograms beginning at age 40; however in 2009 this standard changed to mammograms every other year and only after age 50 unless a reason (such as a lump) exists to warrant a mammogram. See *Mammography*, STANDARD OF CARE, <http://www.standardofcare.com/mwiki/index.php?title=Mammography>.

The American Cancer Society recommends clinical breast exams every three years for women under 40 and every year for women over 40. See Amer. Cancer Soc., *Breast Cancer: Early Detection, Diagnosis, and Staging Topics*, <http://www.cancer.org/Cancer/BreastCancer/DetailedGuide/breast-cancer-detection>. However, Planned Parenthood doesn't follow these standards; instead, affiliates perform a manual breast exam on any woman of any age as part of a regular exam, and all women 40 and older are referred for mammograms. See Marilyn Marchione, *Surprises About Planned Parenthood Cancer Testing*, YAHOO! NEWS, Feb. 3, 2012, <http://news.yahoo.com/surprises-planned-parenthood-cancer-testing-220350325.html>.

PPFA President Cecile Richards has stated, "Early detection is critical in identifying breast cancer at its most treatable stages and saving women's lives. Ninety-four percent of our patients are under the age of 40, and for these women, clinical breast exams are key to recognizing potential problems early. This expanded program will help us provide more patients with these vital screenings, and also ensure that more patients in need can get specialized follow up care, like ultrasounds or biopsies." Press Release, Planned Parenthood Federation of America, Planned Parenthood Announces Expansion of Breast Health Program (Aug. 20, 2012), *available at* <http://www.plannedparenthood.org/about-us/newsroom/press-releases/planned-parenthood-announces-expansion-breast-health-program-40154.htm>.

Therefore, whether mammograms are performed by Planned Parenthood or referred to a third-party provider, they should be very rare since approximately 80% of Planned Parenthood patients are reported to be under 35 years old: "Most of Planned Parenthood's clients are too young for breast cancer screening under most guidelines, although they are the prime age for cervical cancer screening. About 80 percent are under 35." Marilyn Marchione, *Surprises About Planned Parenthood Cancer Testing*, YAHOO! NEWS, Feb. 3, 2012, <http://news.yahoo.com/surprises-planned-parenthood-cancer-testing-220350325.html>.

Conclusion

The Komen controversy has again raised significant concerns regarding PPFA and its motives to enhance its bottom line, this time by the amount of Komen grant funds for services which appear to have been reimbursed by American taxpayer dollars through the Title XIX Medicaid program. Planned Parenthood has repeatedly claimed that it uses and has used Komen's funds to provide mammograms, clinical breast exams, and breast health education for low-income women. These services are also eligible for Medicaid reimbursement, and Planned Parenthood routinely submits claims for and receives reimbursements for these services. Our investigation has found no reason to believe that Planned Parenthood is not also billing Medicaid for the same services that Komen has already paid it to perform, as Alliance Defending Freedom asserts it is legally obligated to do.

Alliance Defending Freedom urges appropriate congressional oversight committees to:

- (1) Investigate whether Planned Parenthood is double-dipping by billing Medicaid (and thus federal taxpayers) for services that Komen and its donors are already paying it to provide.
- (2) Continue the investigation begun in September 2011 by a House Energy and Commerce subcommittee into PPFA and its affiliates' use of federal funding and compliance with federal abortion funding restrictions.²¹
- (3) Vigorously pursue the February 21, 2013 request by Representative Diane Black, Representative Pete Olson, and 70 other Members of Congress requesting, among other things, "up-to-date information regarding federal funding of Planned Parenthood and other specific organizations."
- (4) Insist on greater transparency in reports maintained by federal and state Medicaid authorities on family planning program claims for reimbursements and reimbursements therefor.
- (5) Eliminate duplicative federal programs that essentially cause waste, abuse, and potential fraud.

Planned Parenthood Federation of America and its affiliates must play by the same rules as all other government contractors. Its officials must be called upon

²¹ See Medicaid Contractor Beneficiary and Provider Communications Manual, 60.3.2.4-Congressional Inquiries Timeliness, Mar. 3, 2010 (congressional inquiries must be responded to within ten business days).

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by congressional oversight committees to explain this apparent waste, abuse, and potential fraud.

Alliance Defending Freedom would be pleased to provide more information regarding this matter at your request, and to meet with you and your staff if you so desire. Thank you for your interest in this important matter.

Sincerely,



Steven H. Aden, VP/Center for Life/Senior Counsel
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