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FW: UCSF PRA 020-107 follow up & New PRA???

Craig Alexander <craig@craigalexanderlaw.com>

Fri, Feb 26, 2021 at 11:13 AM



From: Craig Alexander
Sent: Friday, February 26, 2021 11:13 AM
To: 'tom.dellner@ucsf.edu' <tom.dellner@ucsf.edu>; 'BRENDA.GEE@UCSF.EDU' <BRENDA.GEE@UCSF.EDU>
Subject: UCSF PRA 020-107 follow up & New PRA???

Happy Friday!

After my client and I have reviewed the information the university has provided we would like to attempt to limit one set of responsive documents for UCSF to search for and respond to and what is likely best classified as a new request.

First the follow up / limitation or definition for item 4.1 which you requested my client limit the request to specific persons on staff or formerly on staff at UCSF:

Communications between:

Jody Steinauer, MD, Director of the Bixby Center for Global Reproductive Health (or anyone on her behalf);

Philip Darney, MD, former Director of the Bixby Center (or anyone on his behalf);

Eleanor Drey, MD, Director of the Women's Options Center at Zuckerberg SF General (or anyone on her behalf);

Karen Meckstroth, MD, Director of the Women's Options Center at Mt Zion (or anyone on her behalf);

Daniel Grossman, MD, Director of ANSIRH (or anyone on his behalf);

or Monica McLemore, RN, Clinician-Scientist at ANSIRH (or anyone on her behalf)

and

the [Desert Star Institute for Family Planning](#);

its CEO, DeShawn Taylor, MD (or anyone on her behalf);

or the [Desert Star Family Planning](#) clinic owned by Dr. Taylor

The other follow up that likely should be a new PRA request comes after reviewing the “ACGME Program Requirements for Graduate Medical Education in Obstetrics and Gynecology” UCSF disclosed to us on February 12, 2021 (item 3.3 below):

All UCSF curriculum, handouts, and textbook materials used in furtherance of achieving the accreditation requirements and/or used by UCSF / its facility in instructions of UCSF students / residents ...

- IV.C.7.a) Programs must provide training or access to training in the provision of abortions, and this must be part of the planned curriculum.
- IV.C.7.c) Programs must ensure residents’ clinical experience includes involvement in counseling patients on the surgical and medical therapeutic options related to the provision of abortions.
- IV.C.7.d) Residents must participate in the management of complications of abortions.

(Page 28 of 59, lines 995 to 1014 of the “ACGME Program Requirements for Graduate Medical Education in Obstetrics and Gynecology” UCSF disclosed to ProLifeSF on February 12, 2021.)

Plus, If any of the classes that are part of these programs / are taught or conducted in furtherance of the objectives stated in IV.C7.a, IV.C.7.c and/or IV.C.7.d above are video and/or audio taped or otherwise recorded (or portions thereof) for curriculum instruction in teaching settings, including such settings in classrooms, laboratories, and hospital rooms. This request **excludes** the videos published on UCSF's "Innovating Education in Reproductive Health" website (<https://www.innovating-education.org>).

...Documentation showing how the university abides by the accreditation requirement listed below:

- IV.C.7.b) Residents who have a religious or moral objection may opt out and must not be required to participate in training in or performing induced abortions.

Please let me know if you have any questions regarding this communication.

Thank you,

Craig Alexander

949-481-6400

From: Craig Alexander
Sent: Thursday, February 25, 2021 11:59 AM
To: 'tom.dellner@ucsf.edu' <tom.dellner@ucsf.edu>; 'BRENDA.GEE@UCSF.EDU' <BRENDA.GEE@UCSF.EDU>
Subject: UCSF PRA 020-107

Dear Tom,

Thank you for this e-mail and the attachments. My client is going over the materials and responses and I will get back in touch with you about some specifics.

In the meantime I have two requests, one for clarification and the other for some of the NIH contracts that we have referenced previously. In response to item 3.3 on “learning objectives” you kindly disclosed a one page responsive document (“UCSF Family Planning Learning Objectives”) with redactions in two places. You stated “The review was due to the learning objectives document also including the resident schedules. The schedule portion of the attached document has been redacted.”

I just need to know if the reason for the redactions was that the resident schedules included actual individual resident schedules (or not). I can understand not disclosing this information for a specific resident but not if the schedule was general in nature (for all residents not just specific ones). If it was in general I ask UCSF to re-send this document without the redactions. If it was specific to named resident or residents, I ask UCSF to redact the names of the residents only and re-send the rest of the document that only blocks out the resident names.

Related to item 1.4 the university apparently has no UCSF / NIH contracts that include human fetal tissue.

Therefore I request for my client that UCF disclose the following contracts (regardless if they mention human fetal tissue or not):

[HHSN72201400002C](#)

[HHSN266200700002C](#)

[F31A1136336](#)

[K08AI128007](#)

[R33AI116205](#)

[R01DK118421](#)

[K99NS111731](#)

[R01DE024188](#)

[R01EY026492](#)

[P30DK072517](#)

[F32NS103266](#)

[P01NS083513](#)

[F31NS108615](#)

[DK058105](#)

[F32 NS103266](#)

My client advises that each of these contract numbers listed above is also a link to the NIH web site that contains some information about the contracts but not the contracts themselves.

Thank you and I look forward to hearing from you about these two items plus the follow up after UCSF conducts its search for those items listed below you are still searching for (such as records for Cheryl Stoddart, Julie Sneddon, etc.).

Craig Alexander

From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Friday, February 12, 2021 5:19 PM
To: Craig Alexander <craig@craigalexanderlaw.com>
Cc: Gee, Brenda <Brenda.Gee@ucsf.edu>
Subject: FW: UCSF PRA 020-107

Hello and good afternoon, Mr. Alexander. I hope this finds you well.

Thank you for your patience with this request. UCSF has been heavily impacted by the COVID-19 pandemic resulting in longer than usual processing time for CPRA requests. Most UCSF resources have been primarily focused on our public health mission – including the recent opening of a vaccination site. While that is a proud accomplishment, UCSF also remains cognizant of our responsibilities under CPRA. I regret that I was not able to get a response to you sooner.

As before, to try to better track the elements of the request, I built a table. Below the table are additional details (based on some of the questions in your letter of February 10, I'm not sure that you saw my December 8, 2020 reply also included additional details below the table).

Request 1 *From January 1, 2008 and the present date.*

1.1	Any and all grant awards and/or disbursements of said award by UCSF to Planned Parenthood Federation of America and/or any of its affiliates...	No Responsive Record
1.2	Human fetal tissue procurement logs and transportation logs...	No responsive records in central procurement. No responsive records in central transportation.
	Stoddart, Cheryl	
	Rackaityte, Elze	No responsive records
	Halkia, Joanna	No responsive record
	Henrich, Timothy	No responsive records
	Sneddon, Julie	Dr. Sneddon believes he may have responsive records in form of invoices pertaining to tissue collection. She is in the process of attempting to locate them.
	Bhaduri, Aparna	No responsive record
	Knox, Sarah Monica	No responsive records
	Verkman, Alan	No responsive record
	Rowitch, David	
	Retallack, Hanna	No responsive record
	Baskin, Laurence / Cunha, Gerald	No responsive records
	Tran, Nam	Produced 2/12/21
1.3	Revised in 2/10/21 Letter: "Any and all communication, email, document, logs or other records of fetal tissue procurement or	Search in progress

	donation from the aforementioned entitie , including but not limited to those involving Dr. Jennifer Kern , Director of Re earch at the Women's Options Center 6G.”	
1 4	Any and all Contracts between UCSF and NIH regarding the procurement of human fetal ti ue including	No re pon ive record
Request 2	<i>From January 1, 2008 and the present date.</i>	
2.1	All document regarding any active fetal ti ue re earch projects not funded by NIH...	Overly broad – See Below
Request 3	<i>From January 1, 2008 and the present date.</i>	
3.1	Any and all UCSF protocols and procedures for determining the viability of a neonate after labor induction abortion procedures including but not limited to the oversight and reporting of both the determination them elve and in instances where the neonate1 is born alive after the procedure is performed.	Search in progress
3.2	UCSF’ protocol and procedure regarding the delivery of medical care to neonates born at the Women’s Options Center 6G and / or the UCSF Women’s Options Center / UCSF Medical Center at Mount Zion.	Search in progress
3.3	UCSF’s training standards for the Ryan Residency and Fellowship in Family Planning including, but not limited to, the determination of a neonate’s viability	Produced 2/12/21 – See Below
Request 4	<i>From January 1, 2008 and the present date.</i>	
4 1	Any and all communications between UCSF and the Desert Star In titute for Family Planning	Overly broad ee below
4.2	Any and all contracts between UCSF and the Desert Star Institute for Family Planning	No responsive records
4.3	Any and all payments on any contracts by and between UCSF and the Desert Star Institute for Family Planning	No responsive records

1 2 UCSF will continue to work with the remaining three individual to locate and produce any re pon ive record

Your letter of February 10 included a tatement that procurement doe not ju t mean a contract for product (fetal ti ue) in exchange for money. It also means instances where UCSF laboratories obtained fetal tissue with or without a payment

of money or other consideration that there are no responsive records for fetal tissue procurement or transportation logs in the central units. Please note that my December 8 reply acknowledged that point by indicating that to properly process your client's request, UCSF must also contact each of the research units to determine if they have records locally. That process is also what has led to the longer processing time. Under the University's pandemic policies, it is more difficult to conduct searches in individual labs – whereas centralized units like procurement can complete CPRA searches fairly quickly.

1.3: The request for any and all communications is overly broad.

Your letter of February 10 asks if UCSF attempted to search for responsive records. The University did search for responsive records. It was during that process that we learned that several of the named persons were no longer with UCSF and had no accounts to search. Thank you for assisting UCSF locate documents by proposing a revision to:

"Any and all communications, emails, documents, logs or other records of fetal tissue procurement or donation from the aforementioned entities, including but not limited to those involving Dr. Jennifer Kerns, Director of Research at the Women's Options Center 6G."

1.4: UCSF conducted a search that was calculated to locate any contracts between UCSF and NIH regarding the procurement of HFT.

I do not understand the portion of your letter of February 10 about this item.

2.1: This element is overly broad and cannot be processed.

Your letter of February 10 asks why this is overly broad. I do not believe that you saw the below paragraph that was included in my December 8 reply:

UCSF does not have a central repository of research projects and therefore UCSF has no way to search for "any active fetal tissue research projects", regardless of how they are funded. I'm not certain how to be helpful in refining this request. UCSF has research projects that are not funded by NIH. The example that comes to mind immediately is CIRM (<https://stemcellclinic.ucsf.edu/>). UCSF would need to know the name of the PI/Researcher or the sponsor to be able to initiate a search. The other complicating factor for this element is that, as written, it appears to call for documents related to active research. As you may know, CPRA (and FOIA) exempt records related to research prior to publication. Accordingly, we would need your client to not only to refine the request by providing information that could help UCSF identify responsive record(s) – but also observe the exemption for records related to in-progress, unpublished research.

3.1 / 3.2: Search in progress. I'm not sure of what the status is currently but I will check with Brenda who will likely have a better idea.

3.3: UCSF follows all ACGME OB/GYN Program Requirements as training standards (attached, but also available on acgme.org). Beyond those standards, the UCSF program also has "learning objectives" (see attached). I note that your letter of February 10 finds it doubtful that there can be exemptions for training standards, to which I agree. The review was due to the learning objectives document also including the resident schedules. The schedule portion of the attached document has been redacted. I was advised that the same learning objectives have been in place since January 1, 2008.

4.1: Your letter of February 10 includes limiting this element – however, it is still overly broad. The issue is that we didn't locate any contracts or payments to the Desert Start Institute of Family Planning entity. The request for communications between "UCSF" and the Desert Star is not something that we can process. Do you or your client have a name of a UCSF faculty or staff? Even if they have since separated, that would at least help us determine what department or title they had. To be thorough, I even tried a couple of Google searches for UCSF and Desert Star but did not find anything relevant (I'm not sure CRPA requires that – but we always process requests in good faith). Can you help us determine who your client thinks might have these communications?

Thanks, kind regards, td

3 attachments



PRA 020-107 2.12.21.pdf
1609K



220_ObstetricsAndGynecology_2020-11-16_RC.pdf
390K



UCSF Family Planning Learning Objectives.pdf
140K