

**STATE OF KANSAS  
KANSAS HUMAN RIGHTS COMMISSION**

DOCKET NO.

PA1594-23  
Amended

On the complaint of

Myliisa Sue Farmer

(Complainant's Full Legal Name)

Complainant,

vs.

Respondent,

The University of Kansas Health System; University of Kansas Hospital Authority  
and its Representatives

(Respondent's Full Legal Name)

I, Myliisa Sue Farmer c/o National Women's Law Center

(Complainant's Full Legal Name)

residing at

(Address, City, State, Zip Code)

charge The University of Kansas Health System;  
University of Kansas Hospital Authority and its Representatives, whose address is

(Respondent's Full Legal Name)

4000 Cambridge St. Kansas City, KS, 66160-8501

(Respondent's Address, City, State, Zip Code)

With an unlawful practice within the meaning of:

Part 1:

The Kansas Act Against Discrimination (Chapter 44, Art. 10, K.S.A.) and specifically within the meaning of subsection of Section 44-1009 of said Act, because of my:

RACE N/A

SPECIFY OTHER RACE HERE

SEX N/A

MY DUE DATE IS OR WAS - LIST DATE

ANCESTRY N/A

SPECIFY OTHER ANCESTRY HERE

RETALIATION  
N/A

RELIGION  
MY RELIGION IS

NATIONAL ORIGIN  
NAME THE COUNTRY YOU WERE BORN IN

DISABILITY

FAMILIAL STATUS  
(HOUSING ONLY)

COLOR  
N/A

SPECIFY SKIN DISCOLORATION

GENETIC INFORMATION

The Kansas Age Discrimination in Employment Act (Chapter 44, Art. 11, K.S.A.) and specifically within the meaning of subsection of Section 44-1113 of said Act, because of my AGE of state your age and Retaliation.

**STATE OF KANSAS  
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(continued)  
Docket No.

**Part 2:**

**Alleged Date of Incident, on or about** 08/02/2022-8/03/22022.  
(List specific date with month, day and year or range of dates.)

**Part 3:**

**The aforesaid charges are based on the following facts:**

Please see the attached statement of facts

**I have not commenced any action, civil or criminal, based upon the grievance set forth above, except**

A complaint filed with the Ctr. for Medicare and Medicaid Servs. alleging violation of Emergency Medical Treatment and Labor Act; a complaint to be filed with Missouri Commission on Human Rights related to treatment by Missouri hospital.

***I declare under penalty of perjury that the forgoing is true and correct; and if this document is executed outside the state of Kansas, I declare under penalty of perjury under the laws of the state of Kansas that the forgoing is true and correct.***

***I attest that I am the undersigned Complainant, or if I am not the Complainant, I am the Complainant's attorney at law or other individual who is legally authorized to sign for and on behalf of Complainant.***

**Executed on** 12/28/2022  
(Date)

**X** Michelle Banker, pro hac vice  
(Signature of Complainant) *forthcoming*

**STATE OF KANSAS**  
**KANSAS HUMAN RIGHTS COMMISSION**  
**Supplemental Information**

Please complete the following supplemental information:

**Your Full Legal Name:** Myliissa Sue Farmer c/o Michelle Banker, National Women's Law Center (pro hac forthcoming)

**Address, City, State, Zip:** 11 Dupont Circle NW Suite 800  
Washington, DC 20036

**Home Phone Number:** \_\_\_\_\_

**Cell Phone Number:** [REDACTED]

**E-mail Address:** mbanker@nwlc.org

**Work Phone Number if we may contact you there:** (202) 588-7602

**Your Date of Birth:** [REDACTED]

Did the alleged act(s) of discrimination take place in Kansas?  Yes  No

If this is an employment complaint, please complete the following:

Does the employer have four or more employees?  Yes  No

Have you filed a charge of employment discrimination with the U.S. Equal Employment Opportunity Commission (EEOC) on the same matters listed above?

Yes Please provide the EEOC charge number and date filed: \_\_\_\_\_

No

## **Mylissa Farmer v. the University of Kansas Health System; University of Kansas Hospital Authority**

### THE AFORESAID CHARGES ARE BASED ON THE FOLLOWING FACTS:

On the evening of August 2–3, 2022, the University of Kansas Hospital (which is part of the University of Kansas Health System and operated by the University of Kansas Hospital Authority) engaged in sex (pregnancy) discrimination against Mylissa Farmer in violation of the Kansas Act Against Discrimination’s prohibition on sex discrimination in public accommodations, Kan. Stat. Ann. § 44-1002(h), (i)(1). The Hospital refused to provide her with the emergency care she needed as a pregnant woman. The University of Kansas Hospital is an academic medical center and Level I trauma center—the largest trauma center in the region. It is open to the public and provides 24/7 emergency care.

Ms. Farmer requests that the Kansas Human Rights Commission investigate the University of Kansas Hospital’s sex discrimination and award her all relief available by law including but not limited to policy changes and monetary relief.

Ms. Farmer was almost 18 weeks pregnant when her water broke around 6:30 a.m. on August 2, 2022. Her obstetrician instructed her to immediately go to the emergency department at her local hospital in Joplin, Missouri, which she did. That hospital determined that she had lost all amniotic fluid, that her cervix was dilated, and that Ms. Farmer had experienced previable preterm premature rupture of membranes (PPROM). The doctors also determined that without immediate medical intervention, she was at “risk of maternal thrombosis given her history of DVT, infection /sepsis, severe blood loss, hysterotomy, hysterectomy, and even mortality.” However, the legal department at that hospital overrode her physicians’ medical judgment and refused to provide Ms. Farmer the care she needed, citing Missouri’s abortion ban. Ms. Farmer’s obstetrician advised her to go to an emergency department out of state, and so Ms. Farmer drove over three hours to the emergency department of the University of Kansas Hospital. She arrived at the University of Kansas Hospital at 11:27 p.m. on August 2, 2022.

At the University of Kansas Hospital, Dr. Leslie Dunmire conducted a physical examination, which corroborated that Ms. Farmer was experiencing PPROM and that the pregnancy was not viable. Upon visual exam, Dr. Dunmire also determined that Ms. Farmer’s cervix was dilated. Dr. Dunmire then performed a bedside ultrasound and determined that Ms. Farmer’s pregnancy was anhydramnios—meaning there was no longer any amniotic fluid

surrounding the fetus. Dr. Dunmire did not exam Ms. Farmer digitally or perform a transvaginal ultrasound for fear of further increasing her risk of infection.

Ms. Farmer's condition continued to deteriorate while at the hospital, as her fatigue, mental fog, and cramping becoming more intense. Dr. Dunmire told Ms. Farmer that medical intervention was necessary given the risks to Ms. Farmer's health and life and advised that her options were either to induce labor or surgically end the pregnancy. Dr. Dunmire recommended inducing labor due to concerns that the surgery would "resemble an abortion" and therefore might not be permitted by the hospital. Ms. Farmer elected for the labor induction because it would give her and her partner the chance to hold and say goodbye to their daughter.

However, twenty minutes later, Dr. Dunmire informed Ms. Farmer that they could not go ahead with the induction. The legal counsel at the University of Kansas Hospital decided that, despite Dr. Dunmire's assessment that Ms. Farmer needed prompt care, Dr. Dunmire could not provide Ms. Farmer with *any* treatment, including inducing labor, because it would be "too risky in this heated political environment to intervene."

Dr. Dunmire urged Ms. Farmer to seek immediate care somewhere else because of "how quickly she could become ill from chorioamnionitis." Ms. Farmer was discharged from the hospital at 1:29 am on August 3, 2022. No medical provider at the University of Kansas Hospital administered medication to Ms. Farmer for her pain or otherwise provided her with medical treatment.

Ms. Farmer and her partner returned home on August 3, 2022, in a state of disbelief and terror that no doctor was willing to take the steps necessary to save her life, as well as grief for the inevitable loss of their daughter. Her condition worsened and her cervix continued to dilate over the course of three days. She finally received the care she needed in Illinois on August 5, 2022, another 4.5-hour drive from her home. Because of the University of Kansas Hospital's discriminatory refusal of care, Ms. Farmer has endured severe physical, financial, and emotional harm.

The University of Kansas Hospital's denial of care constituted unlawful discrimination on the basis of sex (pregnancy) in a place of public accommodation, in violation of the KAAD. Indeed, upon information and belief, the University of Kansas Hospital has a facially discriminatory policy of refusing to provide the full spectrum of emergency care necessary to treat pregnant patients experiencing obstetric emergencies. The University of Kansas Hospital typically treats all who present with emergency medical conditions when such treatment is within their competency, as required by federal law. The hospital has both the competency and resources necessary to provide pregnant patients the full spectrum of emergency obstetric care they may need. Thus, the University of Kansas Hospital had the competency and resources to provide Ms. Farmer with medically appropriate emergency treatment. Yet the hospital denied

Ms. Farmer that care based on her sex while she was experiencing an emergency related to her pregnancy. This constitutes unlawful sex discrimination in violation of the KAAD.

Ms. Farmer requests that the Kansas Human Rights Commission investigate the University of Kansas Hospital's discriminatory conduct and award her all relief available by law.

Dated: December 16, 2022

\_\_\_\_\_/s  
Michelle Banker\*  
National Women's Law Center  
11 Dupont Cir. NW, Suite 800  
Washington, D.C. 20036  
[REDACTED]  
(202) 588-7602  
mbanker@nwlc.org

*\*pro hac vice* forthcoming