

**STATE OF KANSAS**  
**KANSAS HUMAN RIGHTS COMMISSION**

DOCKET NO.

On the complaint of

Myliisa Sue Farmer

(Complainant's Full Legal Name)

Complainant,

vs.

Respondent,

Labette Health

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)

Labette Health

charge and its Representatives, whose address is

(Respondent's Full Legal Name)

1902 South U.S. Highway 59, Parsons, KS, 67357

(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  
KANSAS HUMAN RIGHTS COMMISSION**

(continued)  
Docket No.

**Part 2:**

**Alleged Date of Incident, on or about** 08/02/2022  
(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**  
Please see attached statement of actions.

***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** 01/31/2023  
(Date)

**x** Michelle Banker (pro hac forthcoming)  
(Signature of Complainant)

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

Please complete the following supplemental information:

Your Full Legal Name: Myliisa 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:                     

E-mail Address: mbanker@nwlc.org

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

Your Date of Birth: ■■■■

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

### **Myliisa Farmer v. Labette Health**

Ms. Farmer has filed charges with various agencies relating to these facts, including one other complaint against Labette Health. Ms. Farmer has not filed any complaint in court:

- A complaint filed with the U.S. Dep't of Health & Human Servs., Off. for Civil Rts., related to treatment by Labette Health, the University of Kansas Hospital Authority (d/b/a University of Kansas Health System), a Missouri hospital, and an Illinois hospital;
- A complaint filed with the Kansas Human Rights Commission related to treatment by the University of Kansas Hospital Authority (d/b/a University of Kansas Health System) (KHRC docket no. PA1594-23 Amended);
- A complaint filed with Missouri Commission on Human Rights related to treatment by a Missouri hospital;
- A complaint filed with the Ctr. for Medicare and Medicaid Servs. alleging violation of Emergency Medical Treatment and Labor Act by the University of Kansas Hospital Authority (d/b/a University of Kansas Health System) and a Missouri hospital.

## **Mylissa Farmer v. Labette Health**

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

On the evening of August 2, 2022, Mylissa Farmer was denied care from Labette Health in Parsons, Kansas, because of her sex (pregnancy) in violation of the Kansas Act Against Discrimination's prohibition on sex discrimination in public accommodations, Kan. Stat. Ann. § 44-1002(h), (i)(1). Although Labette Health has a labor and delivery unit, has been designated a Level III trauma center, and boasts "[s]ome of the area's most experienced emergency medicine physicians, physician assistants, APRNs, registered nurses (RNs) and emergency department (ED) technicians," who "provide 24-hour care,"<sup>1</sup> Labette Health refused to provide Ms. Farmer with the emergency care she needed to treat her miscarriage, urging her not to seek services at their hospital. When a hospital otherwise offers comprehensive emergency care and has the competency to provide comparable gynecologic or obstetric care, refusing to provide emergency pregnancy-related care, including emergency abortion care, is sex discrimination in violation of the KAAD.

Accordingly, Ms. Farmer brings this sex discrimination charge against Labette Health and requests that the Kansas Human Rights Commission investigate this matter 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 she 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 began calling hospitals in Kansas and Illinois.

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<sup>1</sup> LABETTE HOSPITAL, EMERGENCY SERVICES, <https://www.labettehealth.com/services/emergency-services/>; *id.* LABOR AND DELIVERY, <https://www.labettehealth.com/services/labor-delivery/>.

When Ms. Farmer called Labette Health, a hospital employee urged Ms. Farmer not to seek emergency care at the facility, claiming the hospital was too “small” to provide the care even though it has a labor and delivery unit and is a Level III trauma center. The employee failed to advise her where else she could go to receive care, suggesting only that Ms. Farmer try calling hospitals in Wichita—an additional two hours’ west of Labette Health and Ms. Farmer’s home.

Instead, on the evening of August 2, 2022, Ms. Farmer drove to the main hospital of the University of Kansas Health System—an additional 1.5-hour drive farther away from Ms. Farmer’s home than Labette Health—but was denied treatment there as well. Ms. Farmer returned home on August 3, 2022, in a state of disbelief and terror that these hospitals were not willing to take the steps necessary to save her life, as well as grief for the inevitable loss of their daughter. Her condition worsened as 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 Labette Health turned her away based on her sex (pregnancy), Ms. Farmer has endured severe physical, financial, and emotional harm.

Labette Health’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, Labette Health has a facially discriminatory policy or practice of refusing to provide the full spectrum of emergency care necessary to treat pregnant patients experiencing obstetric and gynecologic emergencies. This is the case notwithstanding the fact that Labette Health typically treats all who seek care for emergency medical conditions when such treatment is within their competency, as required by federal law. Labette Health’s refusal to treat Ms. Farmer violated the KAAD because discouraging an individual from seeking a service based on the individual’s protected characteristic is a well-established form of discrimination. Labette Health has both the competency and resources necessary to provide pregnant patients the full spectrum of emergency obstetric and gynecologic care they may need. Thus, Labette Health 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 (pregnancy) while she was experiencing a medical emergency and failed even to advise her of where else she could go to obtain the care she needed. This constitutes unlawful sex discrimination in violation of the KAAD.

Ms. Farmer requests that the Kansas Human Rights Commission investigate this claim of sex discrimination against Labette Health and award her all relief available by law.

Dated: January 31, 2023

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

*\*pro hac vice* forthcoming