



Missouri Commission on Human Rights
 P.O. Box 1129
 Jefferson City, MO 65102-1129



COMPLAINT OF DISCRIMINATION		ORIGINAL X	AMENDED <input type="checkbox"/>	CHARGE NUMBER MCHR: 28E-2023-00504 EEOC:	
NAME Mylissa Sue Farmer			TELEPHONE [REDACTED]		
STREET ADDRESS c/o National Women's Law Center Attn: Michelle Banker 11 Dupont Circle NW Ste. 800		CITY Washington, DC		STATE DC	ZIP CODE 20036
INDICATE BELOW WHO YOU WISH TO FILE YOUR COMPLAINT AGAINST					
NAME Freeman Health System (Freeman Hospital West)			TELEPHONE (INCLUDE AREA CODE) (417) 347-1111		
STREET ADDRESS 1102 West 32nd Street		CITY Joplin		STATE MO	ZIP CODE 64804
NAME			TELEPHONE (INCLUDE AREA CODE)		
STREET ADDRESS		CITY		STATE	ZIP CODE
NUMBER OF EMPLOYEES (IF YOUR COMPLAINT ➔ INVOLVES EMPLOYMENT)					
CHECK APPROPRIATE BOX(ES)					
<input type="checkbox"/> -Race	<input type="checkbox"/> - Color	<input checked="" type="checkbox"/> - Sex	<input type="checkbox"/> - Religion	<input type="checkbox"/> - National Origin	
<input type="checkbox"/> -Disability	<input type="checkbox"/> - Age	<input type="checkbox"/> - Retaliation	<input type="checkbox"/> - Ancestry	<input type="checkbox"/> - Other (Specify)	
DATE(S) MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (MONTH, DAY, YEAR) August 2, 2022 – August 4, 2022					
THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACHED EXTRA SHEET(S)) Please see appended statement of facts.					
I declare or affirm under penalty of perjury that I have read the foregoing and it is true and correct.			I swear that I have read the foregoing and that it is true and to the best of my knowledge, information and belief.		
DATE 12/19/2022					
COMPLAINANT (signature) Michelle Banker			SIGNATURE OF COMPLAINANT		

Mylissa Farmer v. Freeman Hospital West

Statement of Facts

In August 2022, Freeman Hospital West engaged in sex discrimination against Mylissa Farmer in violation of the Missouri Human Rights Act's prohibition on sex discrimination (including pregnancy) in public accommodations, Mo. Rev. Stat. § 213.065. The Hospital refused to provide her with the emergency care she needed as a pregnant woman. Freeman Hospital West is a teaching hospital and Level II Trauma Center in Joplin, Missouri that provides 24/7 emergency care and is open to the public.

Ms. Farmer requests that the Missouri Commission on Human Rights investigate Freeman Hospital West's sex discrimination and award her all relief available by law, including but not limited to policy change, monetary relief, and anything else the Commission deems just and proper.

Ms. Farmer was almost 18 weeks pregnant when her water broke around 6:30 a.m. on August 2, 2022. Her obstetrician, Dr. Jana Allison, an employee of Freeman Hospital System, instructed her to immediately go to the emergency department, which she did. Upon arrival at the Freeman Hospital West emergency department, Ms. Farmer was taken directly to the labor and delivery unit. Dr. Allison, who was on call at Freeman Hospital West that morning, and her colleague, Dr. Shayna Conner from the maternal and fetal medicine department, determined that Ms. Farmer had experienced previsible preterm premature rupture of membranes (PPROM), that Ms. Farmer had lost all amniotic fluid, that her cervix was dilated, and that her vaginal bleeding was consistent with "inevitable" miscarriage. The doctors further determined that without immediate medical intervention, Ms. Farmer was at "risk of maternal thrombosis given her history of DVT, infection/sepsis, severe blood loss, hysterotomy, hysterectomy, and even mortality."

Rather than provide Ms. Farmer with treatment that would meet the appropriate standard of care—either induction or surgical intervention as recommended by her doctors—Freeman Hospital West's legal department refused to allow its doctors to intervene.

The Freeman Hospital West legal department cited the Missouri abortion ban as the basis for their decision. In doing so, they ignored their obligations under the Missouri Human Rights Act, which required Freeman Hospital West to provide emergency medical care to Ms. Farmer without discriminating against her based on her sex (pregnancy). (This also violated federal laws including the Emergency Medical Treatment and Labor Act of 1986, 42 U.S.C. § 1395dd, which

requires hospitals to provide stabilizing medical treatment to all patients who present with emergency medical conditions.)

The doctors at Freeman Hospital West were clear that the hospital's refusal to provide Ms. Farmer care threatened her life. They explained to Ms. Farmer that she had two options: she could stay at the hospital to receive IV antibiotics while waiting for her labor to begin on its own or until her condition worsened—or she could leave. Dr. Conner made clear that “[a]waiting a medical emergency” as narrowly defined under Missouri law “may put [Ms. Farmer] at further risk for maternal mortality, hysterotomy, hysterectomy.” They explained that her vital signs could become unstable, she could develop a severe infection such as sepsis or chorioamnionitis, she could develop blood clotting including acute maternal thrombosis or disseminated intravascular coagulation, or she could hemorrhage. Dr. Allison orally instructed Ms. Farmer to go to an emergency department out of state. Given these substantial, immediate risks to her health and life, Ms. Farmer ultimately drove to Kansas, where she was also denied the necessary care.

Desperate to save her own life, Ms. Farmer returned to Freeman Hospital West a *second* time on August 3, 2022, where once again she was not provided with the emergency medical intervention she needed. The labor and delivery department initially tried to send her home without providing any care before ultimately acceding to Dr. Allison's instructions to monitor her. Ms. Farmer was again terrified during this second visit to Freeman Hospital West, and her pain had increased severely. The hospital gave her Tylenol and medication for anxiety. Feeling pressure from the staff to leave, Ms. Farmer departed from Freeman Hospital and went home until she received news that a clinic in Illinois would help her.

Ms. Farmer did not get the care she needed until August 5, 2022. She has suffered immense physical, mental, emotional, and financial harm as a result of Freeman Hospital West's discriminatory refusal to treat her during a time of fear, crisis, and grief.

Freeman Hospital West's denial of care constituted unlawful discrimination on the basis of sex (pregnancy) in a place of public accommodation in violation of the Missouri Human Rights Act. Indeed, upon information and belief, Freeman Hospital West has a facially discriminatory policy of refusing to provide the full spectrum of emergency care necessary to treat pregnant patients experiencing obstetric emergencies. Other doctors who visited Ms. Farmer on the night of August 3 expressed frustration to her about their inability to help her or other women like her. They explained to Ms. Farmer that she was not the first woman in similar circumstances who they turned away and that they feared women like her “would die” as a result.

Freeman Hospital West 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, Freeman Hospital West 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 Missouri Human Rights Act. The state abortion ban does not relieve the hospital of its obligation under the Missouri Human Rights Act to provide full access to its services regardless of sex (including pregnancy).

Ms. Farmer requests that the Missouri Commission on Human Rights investigate Freeman Hospital West's discriminatory conduct and award her all relief available by law.

Dated: December 19, 2022

_____/s
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**pro hac vice pending*