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NEWS

Fertility fraud against women seeking help from their doctor has long painful history



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A lawsuit brought by a 36-year-old Geneseo woman against prominent Rochester fertility doctor Morris Wortman has highlighted the frequency with which fertility doctors have been accused of using their own sperm to impregnate patients.

It's more common than most people would believe. Here are some of the key things to know.

What is fertility fraud?

Fertility fraud is when doctors use their sperm to impregnate patients — without telling the patients who the actual donor is. In many cases, including Wortman's, patients are under the impression that the sperm is supplied by medical residents, however, the sperm is actually from the fertility doctor himself.

That scenario is the basis of allegations in the lawsuit against Rochester doctor Wortman.

One American legal expert used a simple way to describe the phenomenon. "Let's call it sexual assault," said Jody Madeira, a professor at the Indiana University Maurer School of Law and a leading proponent of holding doctors accountable for fertility fraud. "That's what it is."

How do people find out that they are victims of fertility fraud?

In more recent cases, people have found out that they are the product of fertility fraud due to at-home DNA testing kits. Such was the case for Carl Lore II, a local man.

In other sometime infamous cases, doctor's offices have faced scrutiny, and then, during the course of the investigation, patients and former patients have sued the option to undergo DNA testing. This was the case in the early '90s in Virginia when, while investigating a doctor for leading patients to believe that they were pregnant when they were not, investigators found that the accused doctor was impregnating some patients with his own sperm.

Dr. Cecil Jacobson was a fertility doctor in Fairfax County, Virginia. Jacobson, like Wortman, specialized in treating women who struggled with getting pregnant or keeping a pregnancy to term.

Some patients chose to be artificially inseminated with anonymous sperm from donors. To preserve the anonymity of the donors, Jacobson told patients that he used a rigorous coding system to ensure that only he knew the identity of the donor.

After genetically testing some of the patients who had conceived using donor insemination, federal investigators found at least seven instances in which Jacobson was the biological father of the child, including one instance in which the patient was supposed to have been inseminated with her husband's sperm.

According to reporting from 1992, Jacobson was linked to at least 15 children and is suspected of fathering as many as 75 children by impregnating patients.

Though he maintained that he kept an anonymous donor bank, Jacobson did admit to using his own sperm on occasions when the donors allegedly failed to show up and the patient was about to miss an opportunity to become pregnant. He is one of the few practitioners to have served prison time for their offenses.

More: When your biological father is your mother's fertility doctor: DNA tests reveal cases of 'fertility fraud'

Is fertility fraud illegal?

Depending on where you live, it may or may not be illegal.

Prior to the advent of at-home testing, patients did not even know that fertility fraud was something of which they needed to be aware. Therefore legislation prohibiting it did not exist. In most successful cases of prosecution, doctors face peripheral charges.

Dr. Donald Cline, a fertility specialist in Indianapolis, used his own sperm to impregnate at least three dozen women in the 1970s and 1980s. Cline pleaded to two felony obstruction of justice charges and admitted to having lied to investigators. He lost his medical license and was given a one-year suspended sentence. Because the law did not exist, he was not actually prosecuted for having used his own sperm.

In January of this year, New York State Assembly Member Jonathan G. Jacobson (D-104) introduced legislation in the New York Assembly to make fertility fraud illegal.

"AN ACT to amend the penal law, in relation to aggravated sexual abuse in the fourth degree; to amend the criminal procedure law, in relation to the time in which to commence actions relating to fertility fraud; to amend the public health law, in relation to creating a private right of action for fertility fraud; and to amend the education law, in relation to including fertility fraud in the definition of professional misconduct for physicians, physician's assistants and specialist assistants," the draft legislation reads.

More: Morris Wortman case highlights lack of penalties for fertility fraud by doctors

How widespread is fertility fraud?

It's global.

In the Netherlands, DNA testing proved that a fertility doctor, Jan Karbaat, fathered nearly 60 children who were born to women that visited his clinic. Dr. Norman Barwin, a gynecologist in Canada, has at least 13 documented cases in which he

used his own or unknown sperm to impregnate patients. British scientist, Dr Bertold Wiesner, fathered potentially as many as 600 children. Cases have also been found in South Africa and Germany — and these are only the documented instances.

What are the risks?

There are two risks of fertility fraud that are most often referenced:

Firstly, children who are the product of fertility fraud may inherit mental or physical health issues unbeknownst to them or the people that raise them.

Dr. Wortman has a documented family history of mental illness and carries a genetic predisposition to breast cancer. People who are his biological children would know that these are things of which they need to be aware, while children who were conceived out of fertility fraud would not know this.

Secondly, children who are the product of fertility fraud are at risk of entering an incestuous incestual relationship unbeknownst to them. In Texas, a fertility doctor is accused of using his own sperm to father multiple children. One of the patients who the doctor, Dr. Kim Morris, impregnated specifically said that she did not want a local donor for the sperm because of the risk of incest.

“Because we live in a small town and (are) concerned about biodiversity and accidental incest among offspring, we chose two donors through California Cryobank and refused a local donor,” the mother told the Texas Medical Board.

Adria R. Walker covers public education for the Democrat and Chronicle in partnership with Report for America. Follow her on Twitter at @adriawalkr or send her an email at arwalker@gannett.com. You can support her work with a tax-deductible donation to Report for America.

N.J. Mother Sues Her Former Doctor for Fertility Fraud

— DNA kit identified fertility doctor as daughter's father, suit alleges

by Jennifer Henderson, Enterprise & Investigative Writer, MedPage Today

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A New Jersey mother filed suit against her former physician, alleging he used his own sperm to impregnate her in an intrauterine insemination procedure performed in 1983.

Nearly 4 decades ago, Bianca Voss sought fertility services at the former Park Avenue offices of Martin Greenberg, MD, in New York City, according to a complaint filed Tuesday in federal court. Voss claims that, without her knowledge or consent, Greenberg -- who now resides in Aventura, Florida -- used his own sperm to impregnate her, rather than using an anonymous donor from a sperm bank as promised.

The discovery only happened recently, when Voss's daughter, Roberta, received the results of a 23andMe DNA kit, according to the complaint. The results showed that Greenberg was Roberta's biological father.

Voss said the discovery is terrible for her daughter and her grandson during a webinar held Tuesday afternoon by Peiffer Wolf Carr Kane & Conway, the law firm representing Voss in her case against Greenberg.

"I hate that they will have to know and live with the fact that their father and grandfather is a medical rapist," Voss said. "This kind of abuse is so terrible, and I want to help stop it from happening again to other women and other families by sharing my story."

Roberta also spoke during the webinar. She said she never could have imagined the discovery she made when completing her at-home DI

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ny mother."

Joe Peiffer, an attorney at the firm that is representing Voss, said during the webinar that the firm is pushing for national legislation to curb fertility misconduct amid an epidemic of such occurrences. He called Greenberg's alleged conduct "unethical, unacceptable, and illegal."

Peiffer Wolf Carr Kane & Conway said in a statement announcing the case that the U.S. is in the midst of uncovering thousands of fertility fraud cases in which doctors secretly inserted their own sperm when carrying out fertility treatments.

"Most instances of fertility fraud happened between the late 1970s and 1990," the firm stated. "This was the period when inseminations became more common, but before at-home DNA testing was on the horizon."

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"Some unscrupulous fertility doctors thought that they could get away with it without being caught," the firm added. "That is why most child victims who discover fertility fraud are 30 years of age or older today."

It is not yet clear whether there are other victims of Greenberg's alleged misconduct.

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Roberta said during Tuesday's webinar that she reached out to Greenberg, but that she had not heard back from him. Voss's complaint states that Roberta's reason for reaching out to the physician was because she was aware that his son had unfortunately passed away at an early age, and she wanted to know if she may have inherited a concerning medical condition or passed such a condition on to her own child.

The complaint further states that Greenberg "fraudulently and knowingly concealed from [Voss] what he had done to her for the purpose of escaping responsibility for his misconduct."

"The allegations made against Dr. Greenberg are for events that allegedly took place approximately four decades ago and are unsubstantiated," Barry Postman, legal counsel for Greenberg, said in a statement provided to *MedPage Today*.

Greenberg dedicated his professional life to "helping parents bring children into this world when the thought of having families was only a dream," said Postman.

"My client has been retired for over 15 years and has no medical record and is not aware of any other document suggesting that he ever was involved in Ms. Voss' medical care," he added. "Moreover, it is my understanding that Ms. Voss' daughter is living a healthy productive life. We look forward to addressing the Plaintiff's allegations within the confines of the Civil Lawsuit that was filed."

Jennifer Henderson joined MedPage Today as an enterprise and investigative writer in Jan. 2021. She has covered the healthcare industry in NYC, life sciences and the business of law, among other areas.

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