

## In Venezuela's Thug State, Even the Morgues Don't Work

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On its website, Sharp Grossmont Hospital, the largest medical facility in East County, San Diego, dedicates an entire webpage to what it calls *The Sharp Experience*. "There really is a difference here," the website [reads](#). "The Sharp Experience is not *one* thing we do, it's *everything* we do. It's our care philosophy—treating people, not patients, and transforming the health care experience for our entire community."

But a class action lawsuit filed against the hospital on March 29 alleges that for approximately 1,800 women, their "Sharp Experience" involved being secretly recorded during sensitive OBGYN procedures and examinations which took place between July 2012 and June 2013.

The hospital's hidden, motion-detector cameras captured footage of "caesarean births, birth complications, dilation and curettage to resolve miscarriages, hysterectomies, sterilizations, and other medical procedures," according to documents filed in San Diego Superior Court. The recordings were allegedly taken without audio, but a statement from the hospital [conceded](#) that patients were visible in some of the footage. "The patients were undressed, unconscious, vulnerable, and had no expectation or indication that they were being recorded," an earlier 2017 court filing claimed.

In interviews with the Daily Beast, three of the plaintiffs recounted how the hospital had invaded some of the most private moments of their lives, alleging that news of the recordings had left them feeling violated, anxious, and paranoid. "I'm pretty much aware of every camera around me, including the one in the lobby downstairs," a woman named Jennifer Ellis said. "It just gave me such bad anxiety," former Sharp patient Katreen Spatz added. "I don't know where the videos are."

In addition to making illicit recordings, the hospital was "grossly negligent" in maintaining them, the complaint alleged. Administrators stored the files on desktop computers that "could be accessed by multiple users, some without the need for a password;" failed to track individuals who accessed the records or their reasons for doing so; and destroyed some of the files, but did not disclose how or when they were disposed or whether they could be recovered.

The legal battle, which began with 81 plaintiffs, gained steam late last week, when a court filing added 50 more women to the complaint. Attorney Allison Goddard, who represents the women in the case, said more patients are expected to join this week.

On April 4, after news of the lawsuit made headlines across the country, Sharp Grossmont issued a formal apology on their website. The hospital claimed that in 2012 they had become aware that drugs and equipment had been taken from an

anaesthesia cart in three operating rooms of the hospital's Women's Center. After failing to catch the thief through other methods, the hospital stated, they installed computer monitors with motion-activated cameras in the operating room.

"We sincerely apologize that our efforts may have caused any distress to the women who were recorded, their families, and others we serve," the apology reads. "We can assure you this surveillance method is no longer in use, and we have made changes in our protocols to ensure this situation is not repeated."

The hospital has been involved in litigation surrounding the recordings since 2016, when they first submitted some of the footage in a medical board meeting against the doctor they claimed had been stealing medication. When the doctor's lawyer requested access to the videos, the hospital had to notify 14 of the women whose procedures were taped, in accordance with HIPAA regulations. The revelation led to an initial lawsuit, and several news stories in local outlets.

It was from one of these news reports that a San Diego woman named Carla Jones first discovered that the hospital had obtained a video of her "naked below the breasts and being prepped for surgery," according to a 2017 court filing. Soon, she brought another lawsuit against Sharp. The hospital initially tried to dismiss the case on the grounds that their "admissions agreement"—a standard document signed by patients upon admission to the facility—constituted consent to the hidden camera recordings. A judge later sided against the hospital, in part because the employee in charge of presenting the admission agreement to Jones testified that "she had no idea Sharp was secretly recording patients, and had no expectation that Sharp would ever do so," according to court documents.

"So for Sharp, that's why their apology rings so hollow," Goddard told *The Daily Beast*. "For three years, they've been saying in court that they had every right to do this under their admissions agreement. They're not sorry at all. They're sorry that the press got wind of it and people are horrified by what they've done. But they're not sorry they did it. It wasn't an accident."

***"I'm disgusted. I was so hurt. It just gave me such bad anxiety. I don't know where the videos are."***

Goddard says her clients have not received personal apologies from the hospital and remain uncertain about the status of their recordings. Three women involved in the lawsuit spoke to *The Daily Beast* about their Sharp experiences. Two of them claim that during the procedures the hospital was secretly recording they had asked to tape the births of their children. They were told recording was not allowed. (A spokesperson for Sharp Grossmont declined to comment for this article). Their stories are detailed below, edited for length and clarity.

KATREEN SPATZ

*Katreen first visited Sharp Grossmont in 2013.*

Currently, I'm 33 years old. I have two kids. Both of them were Sharp babies. My son was born in 2013. My daughter was in 2017. I am married and I'm a stay-at-home mom. I live in San Diego. [Before this] my life was very good—I always had a job; I have a good head on my shoulders; I was very happy. My life was very normal. I didn't know what anxiety was.

I was pregnant with my first child. And [Sharp Grossmont] is just the hospital we're familiar with. We'd gone there for so long. My doctor was there. That's how I ended up there. I had a little bit of a complicated pregnancy with my first son. I was in and out [of the hospital] pretty frequently.

*Katreen gave birth to her son on April 29, 2013.*

It was a stressful day. I wasn't able to dilate very much. I was stressing; the baby was stressing. Finally, they said, "We're going to take you for a C-section"—totally unexpected. So, that was stressful. The whole process was just stressful for me. I don't know how else to explain it. I remember getting to the hospital and being so nervous. My husband was with me the whole time. I had family come in. They just took me to the C-section operating room. I remember it being so cold. I remember there were workers there. There was a guy—I don't know the word, the one who gives you the medication. He was sitting on my right side. And I had my husband on my left side. They were both holding my hand. I was just so scared. It was so scary. I never expected it to be that scary. It was. But I was so *happy*. I was so happy to be having my son. And prior to it, I made sure our phones were all charged. I told my husband to record everything. To have it for my son when he gets older.

My husband was over the moon. He was so happy and he was taking pictures before of everyone. And once he got to the room, he had his phone out and—you have to remember I was a little drugged up—so, what he says is that, he asked if he could record and they said *absolutely not*. He was only able to take pictures after I had the baby. After the nurse took the baby and laid him down and all that stuff. He wasn't able to record anything. They were very brief with him. Very stern. Like *no, you cannot*. And that was it. He was very frustrated. He always brought it up. I've never understood why they didn't allow him to record it. It's mine. My body. My child.

*After Katreen had her son, she returned to Sharp Grossmont for her daughter's birth in 2017. She only found out that she had been recorded without her consent recently.*

***"If you know the internet, you know you never want anything to ever be recorded. I can't even explain how scary that is to me."***

I want to say I found out about a month ago. Or a month and a half ago. I kind of decided [to get involved in the case] right away. But I didn't reach out until I let it sink in. I let it all sink in. I talked to my husband. I was feeling so sick from it. I was sick to my stomach. I wasn't prepared for it. Who's ever prepared for anything like that?

To be honest with you, once I got off the phone, I just burst into tears. For the simple fact that I was told—my husband was told that he couldn't record the procedure. To think that they were able to take away the most precious moment of my life—I'm disgusted. I was so hurt. It just gave me such bad anxiety. I don't know where the videos are. There are so many things that are stressed out about in this current situation right now. There are so many women that are affected by it. It's something that's so sacred and so precious. When you, yourself couldn't even have a video tape of it, and *they do*, how would you feel?

I do not know where [the recording] is, and that is the scariest feeling in the world. If you know the internet, you know you never want anything to ever be recorded. I can't even explain how scary that is to me. Even if they had said they were going to record [the procedure], I would never have signed it. I wouldn't have. I feel like that's so personal. Anyone who knows me, knows how private I am. I would have never agreed to have my son or daughter in there. I don't think anyone would.

*JENNIFER ELLIS*

*Jennifer first visited Sharp Grossmont in 2012.*

I'm a 46-year-old mom of two older kids. I work for a medical technology corporation. Sharp was on my health insurance, and they're close to home, so that I how I wound up there. I'd moved away, and then I came back, and I needed a new doctor—an OBGYN doctor—so I went through doctor Yelp online reviews and found [a Sharp doctor] I went to your general female check-up appointment. I've had personal issues with fibroids and I was starting to develop anemia. I was having difficulty around the time of the month. It was getting very, very bad, so [the Sharp doctor] recommended that I have an endometrial ablation done, to lessen my time of the month and to eliminate or reduce my fibroids.

An ablation is a procedure to—pretty much, they burn your uterus internally. It's a transvaginal procedure where they burn the lining of your uterus. It lessens the blood in the lining of your uterus so you don't lose as much blood, so I wouldn't worry about driving home in rush hour and having to go to the bathroom. This is also kind of a sterilization technique. So, one of the questions Sharp asked me was, "Are you done having kids?" And I was like, "Oh gosh, I think I am." So, I went ahead and agreed to it. I arranged to have the surgery done and that was done on March 22, 2013. And I was under general anaesthesia. I remember the day very well. I walked into the OR, got changed into a robe and was walked into the operating suite. I was placed on the table and then put under.

*Jennifer did not know her procedure was recorded until five years after the surgery.*

[I heard about it in] December of this past year, in 2018. I received a vague email from a third party. I almost thought it was spam. I kind of read it and then reread it and thought, *oh my God*. I started to freak. It was at work.

***“They were more concerned with catching a thief than my well-being. I felt very betrayed. I felt this was tacky, tasteless. I mean, this is bad.”***

At first when I opened it, I was like, “What is this?” At first—my husband had shoulder surgery the same year—so my first thought was, why are they sending me *his* email? Then, I reread the email and I went, “oh my God, this is actually me.” Then, I read it again and I was like, “I was recorded? Holy cow, what is this?” And I just started freaking out.

*Jennifer’s husband, Tim Ellis, was also present during her interview with The Daily Beast. He said that she had emailed him immediately after learning about the recordings.*

*“As her husband, I remember the reaction she had whenever she found out. She was sort of panicky, like, ‘Um, they may have recorded the surgery I had a couple years ago,’” Tim said. “She was like, ‘There’s something weird going on. I don’t know what the deal is.’ I said, ‘Yeah, maybe you should call the attorney or email them or something.’”*

*“For me, maybe I’m old-fashioned, but as a husband, married over 20 years, I feel like one of my roles is to make sure my wife is protected and I feel powerless to do anything about this. There’s no way to track where these videos are, no way to keep them out of the hands of anybody. It’s troubling to me as well. She’s upset and that hurts me too.”*

There wasn’t a number to call. It was a respond back [email], and kind of a waiting game. I probably responded late the same day to sign up to be contacted. This was right around the holidays, so this is kind of the at back of my mind. Then I [talked to] the law group contact and they proceeded from there.

***“Recording an operating room to catch somebody is not the way to go.”***

I’ve worked off and on in the medical field for years. My company manufactures technology to prevent this. And I feel that Sharp was not interested in my health and well-being. They were more concerned with catching a thief than my well-being. I felt very betrayed. I felt this was tacky, tasteless. I mean, this is bad.

I had to recently tell my family. I actually had to explain the nature of my procedure. I felt that was very secret for me. It’s very personal. I don’t like sharing what happened to me. It’s been hard. I’m grateful to my husband. He’s been holding my hand through all of this. I’ve been trying to get my video. Sharp has acknowledged they have my video. They have not—I have not seen it yet. I don’t know what the

delay is. I want to view it alone. I don't know. I don't want anyone around. It's for me. It's very private.

Ever since, now I'm paranoid of cameras. I'm pretty much aware of every camera around me, including the one in the lobby downstairs. It's just...there's no...I don't have any reassurance from Sharp whatsoever. They could easily have altered a video timestamp.

I'm so disgusted. In fact, I was right across the street from the hospital yesterday. At the grocery store. It's a small town. I have a feeling—I just feel like if I go into the hospital, someone will recognize me and for all the wrong reasons. Now, if there was an emergency, I'd rather go all the way across town to a different hospital.

*Jennifer said that if she had been asked for consent for a recording at the time of the procedure, she would not have signed it.*

No. I wouldn't have. I would have needed more details. This wasn't for medical reasons, this was to capture someone stealing. It's not for me.

I saw [Sharp's apology] today. I don't believe it. It's not directed at me. It's directed to a community. It's about their customers. They're addressing their customers, not the people they were affecting. I've been around the medical world enough to know that this is wrong on so many levels. There's more than one way to approach the issue. Recording an operating room to catch somebody is not the way to go.

**SHAUNA SOTO**

*Shauna first visited Sharp Grossmont in 2012.*

I am 35. I have 3 children. I am a substitute teacher. I was going [to Sharp Grossmont] for regular visits for close to 10 months in 2012. I think it was 39 weeks, because [my daughter] came a week early. I did normal prenatal visits, so once a month in the beginning. And then again in the third trimester, I think it was every two weeks, and then down to once a week. I've had all three of my children [at Sharp Grossmont], and I've had three different doctors.

I was supposed to be scheduled for the 20th [of December], but my water broke the night of the 15th. So we went in that night, I had to go through labor all the way until six in the morning before they would give me any medication or anything. My body doesn't dilate, which is why I had to do C-section. Finally, around six o'clock on December 16, and they were able to give me the medicine and get me back there. And then my doctor wasn't on call, so they had a different doctor.

[At the time,] they basically wouldn't let my husband in—they'd already started to cut me before they let him in. He couldn't take a picture, or anything, which is what we were able to do with the other two [pregnancies]. We couldn't video or take a picture

this time around. They didn't explain. I don't remember exactly what they told us, but they wouldn't let us. I know that.

***"I'm sitting there in extreme pain, naked, on a table by myself, surrounded by people I don't know. So, to record that, is really not okay."***

It was just a lot different this time around. A little weird too. My husband said the anaesthesiologist was like, falling asleep. I'd met the physician that day. It was a little uncomfortable. He wasn't very nice.

*Shauna found out about the recordings in early 2019.*

I received a letter in the mail that stated there was a hidden camera in the operating room during the same time that I was having my daughter. I think it was in February or the end of January. I had to read it twice. I was completely shocked that there was a camera in there. I believe it took a week or two [to get involved in the case]. I talked to my husband about it. And then I responded to the letter.

It's still unsettling. I'm not really sure who watched the video or where it is. If anybody should have a copy of it, it should be me. Because it was me and my daughter. So I don't know if it's floating around or what happened to it. There's no explanation for it. I'm pretty bothered by that.

You know, they violated my privacy. I'm sitting there in extreme pain, naked, on a table by myself, surrounded by people I don't know. So, to record that, is really not OK. They need to have consequences; they need to be held accountable.