

Chairman Merrin, Vice-Chair Manning, Ranking member Boyd, and Members of the House Health Committee. My name is Kim Toothman. I am a former RN, the mother of three adult children and “Mamma” to an adorable 2 1/2 year old. Thank you for the opportunity to provide opposition testimony on HB 90, known as the Heartbeat Bill. My testimony will focus on my experience with my pregnancy and my son, Michael, who I had 32 years ago. My first son, Brett, was born in November of 1985. We had, what we believed, was a healthy baby boy, however after multiple urinary tract infections, at 7 months he was diagnosed with Posterior Urethral valves and hydronephrosis of both kidneys. At the time of his diagnosis, I discovered I was pregnant. I remember asking Brett’s urologist if his condition was hereditary, and although the research did not show it was, it was recommended that I should have a specialist do an ultrasound at 26 weeks, as that was the earliest the valves could be detected. Brett in the meantime was hospitalized multiple times, and in early Dec. we were informed he would require surgery to have the right kidney removed. Two days after we learned of that development, I had my ultrasound. We were stunned to discover that Michael had severe hydronephrosis and required immediate intervention. We were told there were 4 places in the country that might be able to help. On Dec. 15, we flew to NY and met Dr. Richard Berkowitz, at Mt.Sinai hospital. The plan was to insert a shunt into Michael intrauterinely, to relieve the pressure on the kidneys. It was there my life took an unbelievable and tragic turn. Dr. Berkowitz informed us that Michael was completely blocked, resulting in such severe kidney damage, that even the placement of a shunt would not help. It was so bad, the kidneys would never function and Michael would require dialysis and a transplant immediately after birth. He also explained that due to the blockage, the amniotic fluid was so low that he couldn’t turn Michael in order to place a shunt. He further explained that secondary to the low amniotic fluid, Michael’s lungs would not develop correctly. I remember laying there, crying, and asked what was going to happen to him. He answered “he’s going to die.” After Brett’s surgery, I turned my attention to doing research on Michael’s situation. I ended up finding Dr. Michael Harrison, a pioneer in fetal surgery and we had a lengthy discussion about Michael. After further discussion with him and Dr. Berkowitz, it was decided that surgery was not a feasible option. I knew that I was not able to have an abortion as my ob had already advised me on the laws in Ohio. (btw, I didn’t ask, that was his first response when he learned of the news.) I continued my monthly visits with my regular dr during the next few weeks. At one visit, he put the fetal heart monitor on my abdomen and we listened to a strong normal heartbeat. As I left, I ran into a friend in the waiting room. She asked me how I was and I broke down. My dr’s nurse came out and consoled me and assured me that they would no longer monitor his heart. After all, what was the point? On Feb. 8, 1987, I mercifully went into labor and delivered Michael. In spite of his lungs not being developed, he cried as they laid him on my chest. My pediatrician suggested we intubate him, which I agreed to. In a few minutes she gently told me he was not pinking up and she removed the tube and placed him in my arms. 6 weeks later, Brett was in the OR with a 106 degree temp. He was admitted and had another major surgery and spent 10 days at Children’s. My opposition to this bill lies in some very simple facts. 1. It is NOT “reasonable and appropriate for the state to utilize the same principle for detecting life in human beings inside the womb as it applies to outside the womb” for the simple reason that the heart is not the only organ that determines life. It’s simply the only

one we can hear and monitor without invasive procedures. All of the essential organs, including the heart, are necessary for life outside of the womb, and they are not developed or even seen at 6 weeks gestation. More importantly, a heartbeat does not equal a functioning heart. □□2.

What I went through was inhumane. Soon after Michael's death and Brett's surgery, I contemplated suicide. Fortunately for my family, and the two children I later had, I did not follow through with my thought. My son had a congenital defect that was incompatible with life outside of my womb. The drs were correct in their diagnosis and prognosis. I found out too late my son was going to die. The technology today would have allowed me, my husband and my dr the option to make a decision based on medical knowledge, and what was best for me and my family. Because of laws passed in this very building I was not given any options but to continue a pregnancy that not only threatened my physical and mental health, but the health and well being of my one year old son and husband. I disagree with this and any legislation that delves into families dealing with the worst news a parent can hear, and regulates medical and moral decisions when you have not been given permission by the parents, families and doctors to do so. I urge you to vote against this bill. □□Thank you for your attention and consideration of this important issue. I would be happy to answer your questions.