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Fertility fraud settlements cost millions

Figures released on the scandal involving the theft of human tissue, and the birth of a dozen or so babies

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The Orange County Register

Traumatized patients whose eggs were stolen by fertility doctors at UC Irvine have collected \$23.2 million in settlements so far from the UC system, according to figures released Monday.

The fertility fraud scandal generated 139 lawsuits from patients whose eggs were taken without their permission and given to other women, or used for research, or lost. The legal drama has played out over the past decade, with definitive figures for patient settlements hard to come by, and UC fighting to shield the identities of those who received payments.

Sixteen of the suits were dismissed, UC figures show. The remaining suits resulted in settlements ranging from a high of \$695,000 to a low of \$2,294.

The logic behind the payouts was a particularly painful formula to arrive at, attorneys have said.

The greatest injury, and thus the greatest payouts, resulted after one woman's eggs were taken without her consent, and then given to another woman who ultimately gave birth to a child.

The smallest injury, and thus the smallest payouts, went to those whose genetic material was taken without permission, but did not wind up in another person. Some of these patients learned that their genetic material went for research, or could not be accounted for.

About a dozen children were born from these thefts of human tissue. All are adults, or very nearly adults, now.

The \$23.2 million figure released Monday is just for patient settlements. It does not include millions paid to the UCI whistleblowers who brought the egg-theft scandal to the attention of UC officials and the Orange County Register.

When the scandal broke in 1995, it was a space-age dilemma. After renowned doctors Ricardo Asch and Jose Balmaceda were accused of the egg thefts, both fled the country – Asch to Mexico and Balmaceda to Chile, where at least Asch is reportedly still practicing medicine.

The devastation felt by patients who were struggling to have children, and then learned years later that they *had* biological children, but born to someone *e/se*, was unprecedented in both legal and medical terms.

Some families at the end of the transaction agreed to furnish photos of the children to those who provided the genetic material that helped make them. The threat of ugly custody lawsuits loomed – What are the parental rights of the people who give birth to a child and raised him? What are the parental rights of those who provide the genetic material for that child, against their wishes and without their knowledge? – but those custody cases never came to pass.

Even those most heart-sick upon learning that someone else was raising their biological children ultimately thought it was in the children's best interest to stay in the only homes they had ever known, with the only parents they had ever known.

Thirteen suits were settled for \$500,000 to \$695,000 each.

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