

# THE TENNESSEAN

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DAVIDSON

## How a Nashville fertility clinic fell apart and what lies ahead for patients, embryos



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Published 5:02 a.m. CT Aug. 15, 2024 | Updated 8:37 a.m. CT Aug. 15, 2024

The Center for Reproductive Health helped thousands of people get pregnant over more than 20 years.

But since early April, its patients have been locked out. Its doors have been closed, its phone lines busy, its operations halted and its owner sued. Locked in five cryogenic freezers behind the clinic's doors are more than 1,000 eggs, embryos, and sperm vials whose owners have been largely left in the dark as to the condition and future of their genetic materials.

One of those patients is Taylor Turner. Shortly after Turner's eggs were retrieved to create an embryo with her husband, she underwent three months of radiation at Johns Hopkins to treat a brain tumor discovered months before. One healthy embryo was created, and due to the effects of the radiation, doctors will not be able to retrieve another egg if this one is damaged.

"It's scary," Turner said. "That embryo is our one shot at being able to become parents, so there's a lot riding on that."

After being stuck in limbo for months, former patients now know what will happen to their genetic materials. Some of them are not happy with the plan to move the materials to the Tennessee Fertility Institute, and some voiced their concerns about it in court. Still, "something needs to happen," the judge said.

Some former patients who've wrestled with complex emotions, trauma, and instability in the wake of the Center for Reproductive Health's closure have other questions. For many, chief among them is this: Why were they treated by a man who lacks a medical license?

With an ongoing lawsuit by the Tennessee attorney general, an investigation by Metro Nashville Police Department's special victims unit and former patients indicating plans to sue those associated with the facility, it may take years to get answers.

## **From success to filing for bankruptcy: How a Nashville fertility clinic became insolvent**

After graduating from the Catholic University of Chile in 1974 and spending three years in the university's department of obstetrics and gynecology, Dr. Jaime Vasquez moved to the United States and worked in OB/GYN departments in hospitals across the country. In 1991, he accepted a position to practice and teach at Vanderbilt, Vasquez wrote in a court filing.

When he opened the Center for Reproductive Health in Nashville in 1995, he focused on the practice's medical operations, while his wife, Nancy Vasquez, managed the business side, according to court filings. For many years, they ran it successfully, based on online reviews and statements made by the attorney general's office.

In addition to the Center for Reproductive Health, Vasquez ran three other businesses from the same location: the American Embryo Adoption Agency, the Center for Assisted Reproductive Technologies and Fertility Laboratories of Nashville.

Things appear to have started going downhill after his wife left the operation in 2019, though Vasquez was also disciplined by the state's regulatory board a few years prior. The Board of Medical Examiners fined him \$500 in 2016 for self-prescribing non-controlled medications, but it's not clear based on public records what the drugs were.

Nancy Vasquez was diagnosed with Alzheimer's after she stopped working at the Center for Reproductive Health in 2019 due to health issues, according to a court filing made by Vasquez's attorneys.

Without his wife managing the practice, Vasquez relied on office managers to maintain the profitability of the clinic and his several other companies, Vasquez's attorneys wrote.

"Unfortunately, due to inattention to detail and/or mismanagement, the practice's profitability began to steadily decline," they wrote.

Vasquez says he realized too late that former employees had been misusing company funds. He's accused three employees — whom he identified by name in a court filing — of giving out unauthorized raises, not submitting bills for payments and taking unauthorized trips using

the company's credit card. Meanwhile, he sunk a significant amount of his own money into the practice, his attorneys wrote, and by August 2023, he had stopped taking a salary.

By late last year, the clinic was struggling with staff turnover, former patients recall. By April, things reached a tipping point.

Vasquez's daughter Elena Vasquez, who had been working as the clinic's office manager, realized on April 4 there was no money for payroll. She sent a memo to employees informing them, citing a "financial deficit."

On April 5 — which was supposed to be payday — nearly all of them walked out, court records show.

Some patients who showed up for their appointments were locked out. Others called to follow up, but no one answered the phone.

## **'This can't be real': How patients experienced the clinic's abrupt closure**

Penny Coe was sitting in her gynecologist's office when a news alert flashed on her phone: The Center for Reproductive Health had closed.

"I was so confused," Coe said. She remembered feeling her face start to flush as she read the news. "You almost want to cry, but you're like, 'This can't be real.'"

When it finally hit her that it was her clinic, the confusion became devastation.

After growing up in a group home in Tampa, Florida, Coe wanted two things more than anything else: An education so she could break the cycle of drug abuse and unemployment in her family, and a child, so that she could experience for the first time love between family members.

"I feel like I almost need that, that maternal side. I need to be able to mother a child," she said. "I would literally do anything to have a child."

Not only does she feel like she lost time, her reproductive system is also now in worse health than it was before she went to the clinic, she said. She has developed a large cyst on her left ovary that she said her OB/GYN attributed to being overmedicated while at the Center for Reproductive Health. That cyst will impede the ability of her new fertility doctor to retrieve the eggs necessary for a successful in vitro fertilization (IVF), she said.

“Because your biological clock is running out, you’re not getting any younger, it’s going to be harder,” she said. “You kind of feel lost. You feel hopeless.”

Turner said she also was shocked.

“How could they be closed?” she remembers thinking. “My embryo was in there. My hopefully potential baby is in there. How is that possible?”

## **Attorney general sues, citing consumer protection violations**

After the closure, state agencies started receiving complaints. That ignited what is likely to be a multiyear legal process.

After inspections by the Health Facilities Commission and an investigator at the attorney general’s office in mid-April, the attorney general sued the Center for Reproductive Health, Vasquez and his three other companies on April 26 under the Tennessee Consumer Protection Act. He said Vasquez’s operations failed to live up to the promises in their advertisements.

Among other issues, the inspectors found there had been no recordkeeping for six days of the liquid nitrogen levels in the freezers holding genetic materials, which is needed to ensure the super-low temperatures necessary for their viability. They noted that Vasquez seemed unable to accurately record the levels in the tanks. He also failed to wear necessary personal protective equipment, they said.

As part of the legal case, Chancellor Russell Perkins entered a restraining order appointing a receiver — a temporary business manager — to sort things out, keeping Vasquez out of it entirely.

The state says that restraining order was necessary to prevent harm to patients’ embryos and eggs. But Vasquez and his attorney say he was unfairly locked out. They countersued the state, accusing it of interfering with plans they say Vasquez was making with another fertility clinic to take in genetic materials following the business’s collapse.

Regardless, the receiver, a man named Jeremiah Foster who runs the Georgia-based company Resolute Commercial Services, took over. In court filings, he says he inherited a backlog of 200 emails and 100 voicemails from patients and found the companies were totally insolvent. Even payments patients made for future services had been spent, according to court filings.

Getting in touch with all patients has been a challenge, and some former patients like Turner are upset they were never contacted by the receiver directly and have had trouble getting answers to their questions. Still, Foster, through his attorney, said he is doing his best to return all messages from patients.

In late May, Vasquez filed for bankruptcy on behalf of his companies. The U.S. Department of Justice opposed the bankruptcy petition, and by late June, Vasquez had agreed to drop his case and not file for bankruptcy for another 12 months.

The Tennessee Department of Health's website states the Center for Assisted Reproductive Technologies — the company Vasquez owned that held the license to perform some medical procedures for patients — was last surveyed in 2010.

All 29 other facilities in Davidson County that hold the type of license the Center for Assisted Reproductive Technologies did before it was suspended on May 2 have been surveyed more recently. Those facilities had all been surveyed since at least 2016.

## **What happens to the embryos, eggs and sperm at the Center for Reproductive Health?**

Perkins, the judge, on Wednesday signed off on a plan for all embryos, eggs and sperm vials to be moved to the Tennessee Fertility Institute "as soon as practicable."

The agreement makes the institute responsible for contacting all patients whose materials were transferred.

Because of recordkeeping issues at the Center for Reproductive Health, institute staff will have to perform an initial audit of the materials after they are moved.

Patients then have the option to keep their materials at Tennessee Fertility Institute and begin treatment there or move their materials and treatment to Nashville Fertility Center at no cost. If they choose to transfer to an alternative provider, patients are responsible for the cost of moving their tissues, the agreement states.

During this time, the receiver will devise a long-term plan for materials belonging to patients who did not identify where they would like their tissues to be held after six months.

Perkins made a small caveat after Abby Rubenfeld, an attorney, said her clients objected to the plan because they have expressed that they want their tissues moved directly to the

Nashville Fertility Center. Peter Riggs, the receiver's attorney, said that will not be possible, but Perkins directed Riggs and Rubinfeld to see if a change to the plan could be made.

Regardless, Perkins said he's signing off on the plan in whatever form it is in, soon.

“I am going to grant this relief. I think there is some risk of the specimens being degraded because of the lack of medical personnel at the defendant’s facility,” Perkins said.

## **A doctor without a license**

Four women and one couple have indicated in legal filings that they want to sue over what happened at the clinic. But they want to add another defendant: Farere Dyer.

Sarah and Eric Davis, a couple who was treated at the Center for Reproductive Health since June 2023, said they were introduced to him as “Dr. Dyer.” His personality was a great fit — he was charming and confident, they said. As part of their treatment, Dyer performed an intrauterine insemination — or artificial insemination, when a catheter is used to directly insert sperm into a patient’s uterus — on Sarah, and he seemed to come up with her medication plans. That’s why she was surprised to see Vasquez’s name on the prescriptions that she picked up.

According to an employee at the Tennessee Board of Medical Examiners, Dyer lacks any sort of medical license.

According to Dixie Cooper, Vasquez's attorney who primarily represents health care professionals, Dyer graduated from a medical school outside the U.S. He had worked at the Center for Reproductive Health since March 2020, based on a post to the clinic’s Facebook account celebrating his four-year work anniversary — a post that also calls him “Dr. Dyer.”

Dr. Chris Montville, the medical director at the Tennessee Fertility Institute, told The Tennessean that “IUI procedures can be performed by nursing team members, mid-level providers or physicians.”

“The training and licensure of these medical team members is sufficient for the procedure,” he said through a publicist. “Staff members who do not have this training or licensure are not allowed to perform procedures.”

Cooper stands by Vasquez’s employment of Dyer, whom she said Vasquez knew was not licensed and hired to work as an “extern,” a title given to nonresident doctors or medical

students. The Tennessean identified him as such in a 2020 article. As for calling him a doctor, she points out he went to medical school. As for the intrauterine inseminations he performed, she said a medical license is not needed to perform them. As for the prescriptions, Cooper said Vasquez is still the one making those decisions. Still, some of the patients whom he prescribed drugs for say they never met him.

Patients are angry.

“How dare you?” Davis said about Dyer performing work without a license. Davis is one of the women who filed a motion asking the court to allow her to sue. “How dare you think you can get away with this?” Coe, another former patient, said she feels violated.

Police have activated their special victims unit to handle an investigation into the clinic. According to the Metro Nashville Police Department, that unit investigates complaints and assists victims of sexual assault, human trafficking and internet crimes against children.

Davis said Dyer told her in February he was planning to leave to go to the Dominican Republic. Court documents show payments to his homeowners association have stopped coming in. The Westside Circle Homeowners Association sued Dyer seeking more than \$4,000 delinquent on his account.

The Tennessean sent several messages and voicemails seeking comment to phone numbers associated with Dyer and his family.

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