

When an Ancestry Search Reveals Fertility Fraud

Starting in the 1960s, three physicians in Rochester, N.Y., began secretly using their own sperm to help women become pregnant.

By Jacqueline Mroz

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Like millions of Americans, David Berry was curious about his genealogy. He wanted to learn more about his paternal grandfather, whose ancestry was British. But as he explored his father's side of the family, he discovered something wholly unexpected: The man he thought was his father was not related to him at all.

His DNA test results from Ancestry.com offered two additional surprises: Mr. Berry, 37, was more than 50 percent Jewish, and he had a cousin or a half-sibling who was unknown to him.

So Mr. Berry, who grew up in Rochester, N.Y., and now lives in Miami, began searching for his biological father. His parents revealed that their doctor had found them an anonymous sperm donor. Could he find him?

Over the next three years, Mr. Berry learned that he had at least 10 half brothers and sisters through the same donor. He reached out and met some of them, including Morgan Hellquist, 36, who lives in the Rochester area.

Last May, he finally discovered his biological father's identity. The man was not an anonymous sperm donor after all, but was Dr. Morris Wortman, the fertility doctor in Rochester that his mother had seen. Dr. Wortman, who still practices there, had impregnated her with his own sperm without telling her.

(Dr. Wortman declined numerous requests for comment. Mr. Berry's mother also declined to comment.)

Mr. Berry shared the news with Ms. Hellquist. It came as a particular shock to her: For the preceding decade, Dr. Wortman had been her gynecologist. In September, she filed a lawsuit against him for battery and emotional distress for having knowingly treating her as his patient.

"Everything I thought I knew about myself has been ripped apart and smashed to the ground," she said. "To know that you come from someone that would do this." She added: "The idea that that man's DNA is in my children made me want to die."

The news of Dr. Wortman's alleged actions as a fertility doctor also came as a shock to his immediate family. Arielle Wortman, 37, a daughter from a first marriage, said she was shaken by the revelation. "I'm heartbroken that my father betrayed the trust of the patients and families under his care," she said.

Revelations after DNA tests

Over the past several years, more than 50 fertility doctors in the United States have been accused of fraud in connection with donating sperm, according to legal experts and observers.

Traci Portugal, who is in her 40s, lives in Washington State and runs the website DonorDeceived.org, which catalogs and tracks the legal cases dealing with fraud and donor conception. She has documented more than two dozen American doctors, and at least a half-dozen internationally, who have been sued by their former patients for fertility fraud. Ms. Portugal founded the organization in 2019 after learning that her mother's physician was also her biological father.

In Canada, a notorious case involving Norman Barwin, a fertility doctor, led to a class-action lawsuit involving 226 former patients and their children. In July, in what is believed to be the first legal settlement of its kind, the families accepted the Canadian equivalent of about \$10 million in compensation.

Nearly all of the physicians who have been accused were discovered as a result of DNA tests taken by their offspring.

Ms. Hellquist's mother, like Mr. Berry's, had seen Dr. Wortman for help becoming pregnant. He told Ms. Hellquist's parents that he had used a medical student as a sperm donor.

Arthur Caplan, a bioethicist at New York University's Langone Medical Center, said that this sort of deception by a physician "can lead to traumatic distress" for the women involved.

It soon emerged that Dr. Wortman was one of three physicians in Rochester — all friends and colleagues — who, starting in the 1960s, had secretly used their own sperm to impregnate women.



Traci Portugal, who runs the website DonorDeceived.org, at her home in Woodinville, Wash. David Ryder for The New York Times

Dr. Frederick Dischinger, who died last year, and Dr. Robert Tichell, who is retired, were found in June to have secretly used their own sperm with patients, according to genetic evidence gathered by DNAngels.org, an organization whose volunteers assist people seeking knowledge of their biological roots. The evidence came from two people whose mothers had sought help with pregnancy and who suspected they were biological offspring of the doctors.

Dr. Tichell lost his license in 1997 for unrelated reasons.

Reached by phone at his home in Buffalo, Dr. Tichell, 89, said it was possible that he was the biological father of at least one of his patients' children.

"I was a donor at one time," he said. "Sometimes back in those days, before the days of fertility clinics, if you couldn't get hold of a donor and you were working with a patient who was looking to get pregnant — it wasn't exactly ethical, but it wasn't unknown to happen." He added: "I assume other doctors did it, but no one ever talked about it."

He elaborated in a subsequent text message: "I admit I did it when a donor did not respond. Women were anxious to be inseminated, and the timing was crucial. It may have been less than perfect, but with luck, the women were able to conceive."

Advancing legislation

When children were conceived via artificial insemination in the 1970s and 1980s, sperm banks were not prevalent and the practice of freezing sperm was not widespread, so many physicians used so-called fresh sperm from donors. The first large-scale sperm bank in the country, California Cryobank, was created in 1977.

After the AIDS epidemic, physicians started using frozen sperm because it allowed donors to be retested for AIDS after six months. By 1988, the Food and Drug Administration and the Centers for Disease Control recommended that only frozen sperm be used for donor insemination, and the sperm-banking industry was subsequently born.

Many physicians donated sperm as medical students in the 1960s and 1970s, and some observers believe that a number of doctors may have gone on to use their own sperm to treat infertility when they were trying to build a reputation for themselves as successful fertility doctors.

These physicians' actions may have been unethical, but they were not considered illegal at the time. Recently, there has been a movement to change that.

Ms. Portugal and other activists have been pushing for legislation, both statewide and nationally, that would make fertility fraud a crime. So far, there are laws in Indiana, Florida, Texas, Arizona, California, Colorado and Utah. Arkansas enacted legislation in April and bills have been introduced in seven other states, including New York.

Assemblyman Jonathan G. Jacobson, a Democrat, has proposed one of seven fertility fraud bills, including companion bills, that are now before the New York State Assembly and Senate. His bill would offer victims the ability to pursue cases in criminal and civil court, by making fertility fraud a felony offense (aggravated sexual assault). It would also give the patient, spouse and child born of fertility fraud the right to sue the donor, doctor, clinic or health practitioner in civil court.

The proposed legislation would also allow physicians to be prosecuted for these offenses within three years of a patient or offspring's discovery.

The face in the mirror

When Mr. Berry learned that he had half-siblings with whom he had little in common — except that their mothers had used the same fertility doctor — he began to suspect that Dr. Wortman might be his biological father. After years of searching, he decided to contact Arielle Wortman, one of the doctor's daughters by his wife, and asked if she would take a genetic test to help him find the truth. To his surprise, she agreed.



Dr. Morris Wortman was one of three physicians in Rochester, N.Y., who, starting in the 1960s, had secretly used their own sperm to help women get pregnant.

The tests were analyzed by Laura Olmsted, executive director of DNAngels.org. About a week later, she had the results: It was true — they were half-siblings after all.

Mr. Berry was both stunned and relieved. The discovery did clear up one mystery, Mr. Berry said: Although his mother had asked for a donor who looked like the actor Tom Selleck, she had always thought her son looked more like Mr. Wortman.

“Now I understand this other side of myself, and when I look at the mirror, for better or worse, I see the doctor's face,” he said. “That's liberating on one hand. On the other hand, it's a tough pill to swallow, because look at what he did.”

The doctor's ex-wife, Laura Wortman, who lives in the Pacific Northwest, said she was stunned when she learned what her former husband had done. She previously worked as a registered nurse and was acquainted with the other Rochester physicians, Dr. Tichell and Dr. Dischinger, whom she described as friends with Dr. Wortman.

“I didn't know it was going on at the time,” she said. “I feel that it was ethically wrong and that, if it's true, it needs to be brought to light. These physicians need to be held accountable for their actions.”

Sandra Doorley, the district attorney for Monroe County, which includes Rochester, said her office was interested in looking into “these disturbing allegations” against the doctors. “I urge any victim of this deception to reach out to my office so we can investigate the matter,” she said.

Adam Wolf, a lawyer, said his firm had so far represented about two dozen women who found out through DNA testing that their child's biological father was, in fact, their fertility doctor. In every case, the doctor said that he would find sperm from an anonymous donor but then used his own, Mr. Wolf said.

Dr. Dischinger, who died recently at 91, was a longtime OB-GYN in Rochester.

When reached by phone, his son, Todd Dischinger, said the family had no comment on the allegations that his father had secretly used his own sperm on patients.

Ms. Portugal believes that the number of doctors found to have committed this type of fertility fraud will continue to grow.

“For some doctors, I think there was a disconnect between this being a medical procedure and the fact that they were creating and giving away their own children,” she said. “For others, they knew what they were doing was wrong, and they were able to hide their predatory sexual actions behind the use of anonymity.”