Public

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

KERMIT BARRON GOSNELL, M.D.
CO-10-03-1541-A
CO-10-02-1234-A

COMMISSIONER'S SUMMARY ORDER

TO: KERMIT BARRON GOSNELL, M.D.
3801 Lancaster Ave.
Philadelphia, PA 19104

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine (hereinafter "Pennsylvania Board"), has made a finding substantially equivalent to a finding that the practice of medicine by **KERMIT BARRON GOSNELL, M.D.**, Respondent, New York license number 107476, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Temporary Suspension and Notice of Hearing, dated February 22, 2010, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **KERMIT BARRON GOSNELL, M.D.**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Pennsylvania.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the Pennsylvania proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, 433 RIVER STREET, SUITE 303, TROY, NY 12180-2299, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH CONCLUSION.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, New York
8/23, 2010

REDACTED

RICHARD F. DAINES, M.D.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

Joel E. Abelove
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

FROM

PRELIMINARY
2010 FEB 22 AM 10:57
Department of State

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania	:	
Bureau of Professional and	:	
Occupational Affairs	:	
	:	
vs.	:	**Docket No. 0337 -49-10**
	:	**File No. 10-49-01572**
Kermit B. Gosnell, M.D.,	:	
Respondent	:	

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Juan A. Ruiz, petitions the State Board of Medicine (*hereinafter* "Board") for the immediate temporary suspension of the license to practice medicine issued to Kermit B. Gosnell, M.D. (*hereinafter* "Respondent"), pursuant to section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, (*hereinafter* "Act"), 63 P.S. § 422.40(a), and in support thereof alleges as follows:

1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.

2. The Respondent is Kermit B. Gosnell, M.D., who at all times relevant was licensed to practice medicine in the Commonwealth of Pennsylvania, License No. MD009422E.

3. The Respondent's last known address on file with the Board is 3801 Lancaster Avenue, Philadelphia, PA 19104.

4. At all times pertinent to the allegations in this Petition, Respondent was licensed to practice medicine and surgery in the Commonwealth of Pennsylvania.

5. Respondent's license is current and will expire on December 31, 2010, and may be continually renewed thereafter upon the filing of the appropriate documentation and the payment of the necessary fees.

COUNT ONE

6. Paragraphs 1 through 5 are incorporated by reference.

7. Respondent owns and operates a clinic known as Family Medical Society – A Division of Women's Medical Society, Inc. ("clinic") located at 3801-3805 Lancaster Avenue, Philadelphia, PA 19104.

8. The clinic specializes in abortions and pain management.

9. Respondent is the only licensed medical professional that works in the clinic.

10. The clinic is open during the day, however, Respondent does not arrive to the clinic until sometime between 6-9 p.m.

11. Respondent has unlicensed individuals working in the clinic.

12. The clinic conditions are deplorable and unsanitary.

13. The pre op/recovery area consisted of several "Lazy Boy" recliners grouped together.

14. There was blood on the floor and parts of aborted fetuses were displayed in jars.

15. At approximately 9:00 p.m. on or about February 18, 2010, officials from the FBI, DEA, and Philadelphia Police raided the clinic.

16. The clinic was full of patients at the time of the raid.

17. On or about February 18, 2010, an unlicensed employee named Lynda Gayle Williams was working at the clinic.

18. Ms. Williams admitted that she administers drugs to patients, namely diazepam.

temazepam, and Cytotec (both orally and vaginally), by order of the Respondent.

19. Ms. Williams performs vaginal examinations on the patients, also by order of the Respondent.

20. Respondent is not present at the clinic when Ms. Williams administers drugs to the patients, or when she performs the vaginal examinations.

21. On or about November 20, 2009, Ms. Williams administered 10 mg Demerol and 12.5 mg promethazine to a patient.

22. The patient began experiencing severe cramping and requested more pain medication.

23. Ms. Williams contacted Respondent by telephone concerning the patient's condition.

24. Respondent told Ms. Williams to give the patient more medication.

25. Ms. Williams gave the patient 75 mg Demerol, 12.5 mg promethazine, and 10 mg diazepam.

26. After Respondent arrived at the clinic, the patient was then given more medication for anesthetic purposes.

27. After Respondent performed the abortion, patient started to have an arrhythmia, and then went into V-Fib.

28. Patient was transported to the hospital where she was eventually pronounced dead.

29. Respondent ordered unlicensed individuals to administer medications and perform medical procedures on patients.

30. Based upon the foregoing factual allegations, the Respondent's continued practice

of medicine within the Commonwealth of Pennsylvania makes Respondent an immediate and clear danger to the public health and safety.

WHEREFORE, the Petitioner respectfully requests that the Board issue an Order immediately suspending the license to practice medicine of Kermit B. Gosnell, M.D., License No. MD009422E pursuant to the authority granted to it pursuant to section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. § 422.40(a).

Respectfully submitted,

REDACTED

Juan A. Ruiz
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

DATE: 2/22/10

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania	:	
Bureau of Professional and	:	
Occupational Affairs	:	
	:	
vs.	:	**Docket No. -49-10**
	:	**File No. 10-49-01572**
Kermit B. Gosnell, M.D.,	:	
Respondent	:	

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 22nd day of February, 2010, upon review of the Petition for Temporary Suspension of the license to practice Medicine of Kermit B. Gosnell, M.D., (hereinafter "Respondent") License No. MD009422E, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (hereinafter "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that the continued practice of medicine by the Respondent presents an immediate danger to the public health and safety. Therefore in accordance with section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, (*hereinafter* "Act"), 63 P.S. § 422.40(a), the Board **ORDERS** that the license issued to the Respondent to practice medicine in the Commonwealth is **TEMPORARILY SUSPENDED** upon the service of this order. Respondent shall surrender his wallet card, registration certificate and wall certificate to representatives of the Bureau of Enforcement and

Investigation, Bureau of Professional and Occupational Affairs, immediately upon service of this order in accordance with the Act at 63 P.S. § 422.44.

PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a prima facie case to support temporary suspension of the Respondent's license. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a prima facie case is not established, Respondent's license will be immediately restored. If a prima facie case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

FORMAL HEARING

Pursuant to Section 9 (h) of the Medical Practice Act, Act, 63 P.S. § 422.9 (b), actions to suspend revoke or restrict a Respondent's license will be commenced by the filing of an Order to Show Cause.

Respondent is directed to respond to the Petition for Immediate Temporary Suspension by filing an Answer in writing within twenty (20) days of the date of the issuance of the Petition for Immediate Temporary Suspension. A formal hearing will be conducted by the Board or hearing examiner for the Board.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary in writing at least one week prior to the date of the hearing. The requirement of the one-week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. **A request by the Respondent for an extension of time for a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.**

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704; 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:

Prothonotary
Department of State
2601 North Third Street
Harrisburg, PA 17110
717-772-2686

Any document filed with the Prothonotary must also be served on the Prosecuting Attorney:

Juan A. Ruiz
Prosecuting Attorney
2601 North Third Street
Harrisburg, Pennsylvania 17110
717-783-7200

BY ORDER:

STATE BOARD OF MEDICINE
PROBABLE CAUSE SCREENING
COMMITTEE

REDACTED

Radheshyam M. Agrawal, M.D.
Committee Member

James W. Freeman, M.D.
Committee Member

Bette A. Grey B.A., RRT CPFT
Committee Member

Respondent's Address:	3801 Lancaster Avenue Philadelphia, PA 19104
Prosecuting Attorney:	Juan A. Ruiz, Esquire
Board Counsel:	Sabina Howell, Esquire
Date of Issuance:	

Any document filed with the Prothonotary must also be served on the Prosecuting Attorney:

Juan A. Ruiz
Prosecuting Attorney
2601 North Third Street
Harrisburg, Pennsylvania 17110
717-783-7200

BY ORDER:

STATE BOARD OF MEDICINE
PROBABLE CAUSE SCREENING COMMITTEE

Radheshyam M. Agrawal, M.D.
Committee Member

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Committee Member

REDACTED

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