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N. J. abortion doctor temporarily suspended



By Marie McCullough, Inquirer Staff Writer

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TRENTON - The New Jersey Board of Medical Examiners on Wednesday temporarily suspended the license of abortion doctor Steven Chase Brigham, ruling that the Voorhees-based entrepreneur is "a clear and imminent danger to the public health and safety."

Brigham, the board said, "has consistently and repetitively engaged in manipulative and deceptive behavior . . . to eviscerate the protections afforded New Jersey patients."

The board sided with the state Attorney General's Office, which is prosecuting that case, in concluding that Brigham initiated late-term abortions in Voorhees and completed them in his facility in Elkton, Md., because "he could not qualify to provide those abortions in New Jersey." The board also concluded that Brigham routinely and purposely had kept patients in the dark about where their abortions would take place, and who would do the surgery.

Brigham scribbled furiously as the decision was read aloud shortly before 10 p.m., and a tiny smile briefly appeared on his lips.

His lawyer, Joseph Gorrell, immediately asked that the case be appealed on an expedited basis to the Office of Administrative Law. The board declined to ask for expedited treatment, but said it would ask that the case be heard as soon as possible.

Brigham, 54, who has been in and out of trouble for much of his two-decade career, operates at least a dozen abortion clinics in New Jersey, Pennsylvania, Maryland, and Virginia under the name American Women's Services.

Brigham is under investigation in Maryland for criminal and regulatory offenses, and faces tax problems with the IRS. He has the rare distinction of being disliked by both sides of the abortion debate. Even many supporters of the procedure view him as a rogue doctor.

Much of Wednesday's hearing, which began at 1 p.m. and lasted past 9, reprised issues raised in the mid-1990s when Brigham also faced licensing problems.

At issue was whether Brigham would keep his New Jersey medical license.

The board, which regulates doctors, was considering whether Brigham had falsified medical records, misled patients in advertisements, and endangered them by starting late-term abortions in his Voorhees clinic, which does not meet outpatient-surgery standards, and then finishing those procedures in Elkton.

The board rejected the request of Gorrell, of Roseland, that the case be dismissed because the board had already ruled in two cases in the 1990s that the doctor's actions were legal.

The medical board found that the differences between the current and earlier cases were "substantial."

Brigham was alternately portrayed as a dangerous scofflaw and a conscientious caregiver in dueling presentations at the hearing's start.

Deputy Attorney General Jeri Warhaftig said the abortion doctor was "grossly negligent" for transporting some patients to Maryland to take advantage of disparities in the two states' abortion laws.

Brigham insisted that he didn't need a Maryland license because he was merely consulting in the Elkton clinic. But he acknowledged that "I did the care."

He said George Shepard, an 88-year-old OB-GYN who worked for Brigham, would simply come into the operating room, say hello to the patient, and stand there during the procedure. "He would ask me questions so we were engaging in consultation," Brigham recalled.

Under questioning from a board member, Brigham said Shepard had had a mild stroke and was unable to use one of his arms. So he probably could not have done any surgery.

Brigham was asked if he had a cutoff for doing late-term abortions. He said the latest case he had done was 36 weeks - 38 weeks is full term - because the fetus had a lethal defect. He said patients seeking a third-trimester abortion had to fill out an application explaining their or their fetus' health problems that necessitated the abortion.

However, his clinic's records showed that a woman who was 25 weeks pregnant with twins conceived through in-vitro fertilization had sought an abortion because she and her husband were embarrassed that they had used donated sperm.

A board member asked why, when he could do a late abortion in a hospital or an ambulatory-care facility, did Brigham find it necessary to "schlep patients to other states for the procedure?"

"If the board said, 'Don't do that,' I wouldn't do that," Brigham said, referring to his two-state procedure. "I only did these things because I thought I had the approval of the New Jersey medical board."

Brigham said he was not sure whether his New Jersey malpractice insurance covered him in Maryland. He said, "I think I have malpractice" coverage, but couldn't be more definitive.

In his direct testimony, Brigham was mostly poised and deferential. Wearing a gray pin-striped suit, red tie, and white shirt, the Columbia University medical school graduate talked confidently and displayed a passing resemblance to actor Greg Kinnear.

Just before the closing arguments, Brigham begged the board members not to let their feelings about abortion color their decision. "This is a very incendiary issue," he said. "I would just ask you to recognize the efforts I've made over 24 years to comply with the board's rules."

The case against Brigham arose after an 18-year-old New Jersey woman who was 21 weeks pregnant suffered life-threatening injuries during an abortion in August that Brigham oversaw in

Elkton. She had to be airlifted to a Baltimore hospital for emergency surgery to repair her uterus and bowel. She and the surgeon subsequently filed complaints against Brigham, according to documents released by investigators.

The first two witnesses Wednesday - obstetricians Gary Mucciolo of New York City and Rengan Rajan from Philadelphia - defended the care that Brigham provided.

Mucciolo said it wasn't risky to send patients an hour away to Brigham's clinic in Elkton after initiating the abortion in Voorhees.

And loading an injured patient at the Elkton clinic into a car and driving her to the hospital was not dangerous, either, he said, because she was stable and not bleeding.

Mucciolo said the abortions described in the charges against Brigham had been performed "the way they are typically and safely done."

And he praised Brigham for going to a patient's hotel room at midnight to treat her for abdominal pain and urinary obstruction. He also acknowledged under questioning from Warhaftig that Brigham might have done so to keep the woman from going to the hospital and alerting authorities about what had happened.

Rajan also testified that Brigham had met the "standard of care" in the abortions he performed. Rajan, who served as the director of a Philadelphia abortion clinic in May, was asked to explain why he had left that affiliation off his resume.

"You won't get promotions. You pay a price for serving women," he said. "We have created a major crisis. There are very few doctors trained to do abortions."

For Brigham, the hearing Wednesday covered familiar ground. He defended himself against some of the same charges he faced in the mid-1990s. Brigham has spent much of his 20-year career fighting lawsuits and disciplinary actions in multiple states.

Pennsylvania in July barred him from owning clinics here because he persistently employed unlicensed caregivers; he is appealing that ruling.

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