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State yanks doctor's license

NIKI KELLY | The Journal Gazette

INDIANAPOLIS - The Indiana Medical Licensing Board early today took the medical license of a former Fort Wayne abortion doctor for failing to exercise reasonable care and violating several notice and documentation requirements.

The minimum six-month suspension for Dr. Ulrich Klopfer came after 12 hours of testimony and thousands of exhibits.

But it was a story that Klopfer told himself that struck a nerve with members of the board.

He spoke of a 10-year-old girl raped by her uncle who he performed an abortion on in an Illinois hospital but didn't notify police about the child abuse. Instead, he let her go home with her parents, who knew of the rape and refused to prosecute.

It wasn't part of the complaint filed by the Indiana Attorney General's Office but appeared to shift the case, with several members of the board bringing it up during final discussion.

Board member Rebecca Moredock-Mueller described Klopfer as having a nonchalant attitude and lacked sound medical judgment.

"The thing that bothered me most was his professional incompetence," she said.

Klopfer, 71, is likely Indiana's most prolific abortion doctor in history with numbers going into the tens of thousands of procedures in multiple counties over several decades.

Testimony during Thursday's hearing - which ended this morning - showed a man who was essentially using the same abortion and sedation procedures from the 1970s and 1980s.

Klopfer told the panel he has never lost a patient in 43 years of doing abortions and has never even had a patient go into cardiac arrest.

"Women get pregnant, men don't. We need to respect women making a decision that they think is best in their life," he said. "I'm not here to dictate to anybody. I'm not here to judge anybody."

The board specifically was bothered that he didn't give pain medication to all women - only those under 16 and those who could pay extra. And when he did sedate women he didn't have qualified staff to monitor them and didn't follow best practices for administration of the drugs and emergency procedures.

Despite this Klopfer had very few complications, which board members called amazing and lucky.

Klopfer can petition for reinstatement in six months - but only after he completes a laundry list of evaluations, continuing medical education credits and child abuse training. He also was fined \$3,000.

The board found him guilty of five of nine charges. One of the charges related to not reporting performing an abortion on two girls under the age of 14 within the three-day required timeline. Two referenced sedation and medical practices; two others were whether he followed state law requiring informed consent 18 hours before the procedure on a handful of

women.

"Justice has been done," said Cathie Humbarger, executive director at Allen County Right to Life. "We're glad that he's been held accountable for the inferior medical treatment that he has been responsible for over many, many years."

Indiana Right to Life was instrumental in the procedure after analyzing thousands of terminated pregnancy reports and other required documentation.

Klopfers has performed abortions in Fort Wayne, Gary and South Bend for years but is currently not practicing. All three of his abortion clinics have closed but he told the panel he wants to reopen when he can.

Mary Watts - Klopfers attorney - said the case is about forms and not about the standard of care patients received.

"He provided good medical care for his patients and did his best to follow the law," she said. "It's a question of documentation."

She said anytime deficiencies were found he corrected the procedure.

Klopfers and Watts declined to speak at the conclusion of the hearing.

Klopfers began performing abortions in 1973 following the legalization of abortion by Roe v. Wade.

He had been affiliated with the Fort Wayne Women's Health Organization since 1986 and became the owner in 2008.

Klopfers stopped performing abortions in Fort Wayne in January 2014 when he lost a backup physician required to meet the county's admitting privileges law.

The last of his clinics closed in November 2015.

Some of the hearing was spent on surveys by the Indiana State Department of Health on Klopfers clinics.

Surveyor Linda Plummer did four inspections of the Fort Wayne office and described it as rundown, not well-maintained and older. Some examples of deficiencies included equipment not being properly maintained; expired medications in an emergency drug kit; lack of infection control practices; no log of cleaning procedure rooms and incomplete personnel policies.

Plummer also said Klopfers was blunt and abrupt, and described staff as having a "laissez faire" attitude.

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