

BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

ALBERT DWORKIN, M.D.) Case No.: 10-12-11
)
LICENSE NO.: C1-0001264)

PUBLIC ORDER

**ORDER ACCEPTING COMPLAINT AND GRANTING MOTION FOR
EMERGENCY TEMPORARY SUSPENSION**

AND NOW, this 1st day of March, 2011,

WHEREAS, the Delaware Department of Justice through the prosecuting Deputy Attorney General Barbara Gadbois has filed with the Board of Medical Licensure and Discipline (“Board”) a written Complaint and Motion for Temporary Suspension; and,

WHEREAS, said Complaint and Motion filed by the Delaware Department of Justice allege, among other things, that the Respondent has engaged in and may continue to engage in activities which present a clear and immediate danger to the public health including, but not limited to: failing to provide information, oversight, advice, and/or consultations necessary to maintain a satisfactory quality of treatment at an abortion facility and failing to report Dr. Kermit Gosnell’s unprofessional conduct to the Board of Medical Licensure and Discipline; and,

WHEREAS, the allegations if substantiated at a formal hearing constitute unprofessional conduct under numerous provisions of the Medical Practice Act, including but not limited to, 24 Del. C. §1731(b)(1), (3), (11) and (22); and,

WHEREAS, Respondent and/or his legal counsel were served with a copy of the Complaint pursuant to 24 Del. C. § 1738(a) and were given at least 24 hours’ written or oral notice of the request for temporary suspension; and

WHEREAS, Respondent through his counsel Richard Galperin, Esquire, has filed a written response in opposition to entry of an Order of Temporary Suspension arguing that the

allegations raised by the State do not rise to the level required to support an emergency suspension of Respondent's medical license pursuant to the "clear and immediate danger to the public health" standard required by 24 *Del. C.* §1738(a). Respondent has denied ever intentionally agreeing to "supervise, consult or advise in the operation of the facility of WMS [Women's Medical Society] in Philadelphia"; and,

WHEREAS, the State has supplemented its emergency filing, copied to Respondent's Counsel, with a letter written by Respondent on behalf of Dr. Gosnell indicating that Respondent did provide Kermit Gosnell, M.D., with a letter agreeing to provide "professional services" to Dr. Gosnell's patients, including patients for whom "hospital evaluations and/or hospital intervention might be indicated"; and,

WHEREAS, the Secretary and the Board have a duty to protect the public and find that issuing an emergency Order in this case is an extremely close call but ultimately are persuaded by the filing of the Delaware Department of Justice that there is a clear and immediate danger to the public to allow Respondent to continue to practice pending the determination of the factual and legal issues related to his role, if any, at the WMS facility; and

WHEREAS, after due consideration of the Complaint and the Motion and the response thereto, the Secretary of State or his designee with the concurrence of the Board President or his designee has determined that the available information is sufficient to support the entry of an Order temporarily suspending Respondent's license to practice medicine in the State of Delaware in that there is a reasonable belief that Respondent's continued practice presents a clear and immediate danger to the public health;

IT IS SO ORDERED this 1st day of March, 2011:

1. That the Motion for Emergency Suspension of Dr. Dworkin's license to practice medicine, number C1-0001264, is granted and Dr. Dworkin's license is suspended;

2. That Dr. Dworkin is ordered to place a message on the office phone and to post a notice on his office door advising patients of the process for obtaining their medical records and further advising patients with emergency medical needs to seek medical attention at the nearest emergency room during the period during which Dr. Dworkin is unable to offer treatment as a result of this Order. A copy of the notice is to be provided to the Executive Director for the Board. If Dr. Dworkin intends to be in the office to personally deliver records to patients, he is directed to so notify the Executive Director and to provide a schedule of dates and times he will be in the office. Dr. Dworkin is prohibited from practicing medicine during the period of suspension and may only be in the office for the purpose of attending to administrative matters;

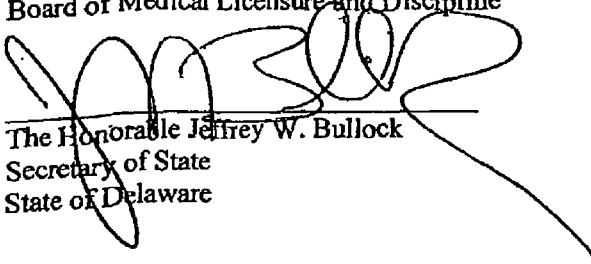
3. That Dr. Dworkin shall be served with a copy of this Order as provided in *24 Del.C.* §1735(a), with a copy to his counsel of record, and notice provided other agencies listed therein;

4. That Complaint No. 10-12-11 is accepted by the Board as the Formal Complaint and shall be assigned to a three member Hearing Panel to be scheduled in accordance with *24 Del.C.* §1738(d) to hear evidence related to the Formal Complaint;

5. That pursuant to *24 Del.C.* §1738(c) Dr. Dworkin may request an expedited hearing provided that the Board receives the request within 5 calendar days of the date he is notified of this Order.

Raymond L. Moore, Sr.

Raymond L. Moore, Sr., Public Member
President
Board of Medical Licensure and Discipline



The Honorable Jeffrey W. Bullock
Secretary of State
State of Delaware

Date Served Personally: March 1, 2011 or,

Date Sent by Certified Mail, Return Receipt Requested: _____