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THE STAR-LEDGER
Wednesday, June 1, 1994

Suit charges Jersey MD botched abortion

By JOAN WHITLOW

A New Jersey woman has filed a suit against a Voorhees physician charging he botched a late-stage abortion, then kept her bleeding in his office for hours before calling an ambulance to transfer her to a hospital.

The suit, which identifies the woman only as "Jane Doe," said the patient lost eight units of blood and needed an emergency hysterectomy after a procedure the doctor should not have attempted because the pregnancy was beyond the 24-week mark, which is the legal limit in New York for an out-of-hospital abortion.

Dr. Steven C. Brigham, who performed the abortion at the American Women's Center in Spring Valley, N.Y., in November, had his New York medical license suspended in January.

The New Jersey Board of Medical Examiners put restrictions on his practice, limiting him to first trimester abortions, while it investigates a 17-page complaint filed by a deputy state attorney general regarding Brigham's practice in New Jersey.

Denies wrongdoing

Brigham said he denied any wrongdoing in the case of the 20-year-old Middlesex County woman who filed suit against him as "Jane Doe."

"If justice is done, I will be exonerated," said Brigham.

He said the patient was warned of the risk of complications at her stage of pregnancy.

He also said he called the ambulance as soon as the extent of her complications was apparent.

"There was no deviation from standards (of practice). It was a tragic complication. I felt terrible about it, but it is a known complication, and I deny any wrongdoing in her care."

The suit was filed in May in Superior Court, New Brunswick. The woman's attorney, Roy J. Konray of Westfield, said his client is attempting to shield her identity from the public.

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Among other things, the complaint says Brigham "lures women into his office through a Yellow Pages advertisement that suggests he is a specialist in gynecological surgery," but he has no special training in that field.

Brigham said he is a general practitioner, but has trained with abortion experts in this country and elsewhere.

The complaint said that in November, the plaintiff chose the American Women's Center from the Yellow Pages after seeing its ad for "abortions up to 24 weeks... at very low fees."

Konray said his client wanted to go to the center's Woodbridge office.

Change of clinic

According to the complaint, when the woman said she was more than 14 weeks pregnant, the staff in Woodbridge told her New Jersey would require her to have an in-hospital abortion, but New York allowed out-of-hospital abortions up to 24 weeks, and made an appointment for her at the Spring Valley, N.Y., office.

On Nov. 10, the woman was driven to Spring Valley by her husband and given an examination which showed she was 26 weeks pregnant.

"It's true that I thought that was her estimated gestation, but performing the procedure on an outpatient basis was within acceptable limits of care," said Brigham. "It's late, but it's not a deviation from accepted standards of care."

According to the suit, Brigham "predictably botched up the abortion... somehow slashed the plaintiff's cervix and uterus and uterine artery," complications which would cost her eight units of blood.

When her husband tried to take her out of the clinic, the woman passed out and was put back into the operating room by Brigham, the suit said.

Emergency hysterectomy

The woman remained in the office from 11:50 a.m. to about 2:55 p.m. when Brigham called the ambulance after the woman lapsed into shock, the suit said.

According to the suit, she was taken to Nyack Hospital, where an emergency hysterectomy had to be performed, after which doctors there contacted New York state officials to report "the defendant's mutilation of the plaintiff."

Brigham said the cervix was repaired in the office, and it appeared the patient's bleeding had stopped. He said there was no immediate evidence of the perforated uterine artery, and he believes the bleeding may have been stopped temporarily by a spasm or contraction of the artery and resumed later.

Brigham said he has had two major complications among some 10,000 abortions, and his complication rate is well below national rates.

The suit seeks damages and attorney's fees from Brigham and the principals of the corporation behind the health center. Konray said he has not yet found "anyone other than Brigham" behind the corporation and said he listed other "John Roe" defendants in the suit, in case there are any other owners.

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