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COMMONWEALTH OF PENNSYLVANIA PROTHONOTARY
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE 2010 FEB 22 AM 11:05

Commonwealth of Pennsylvania : Department of State
Bureau of Professional and :
Occupational Affairs :
vs. : Docket No. 0337 -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 (b) 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:

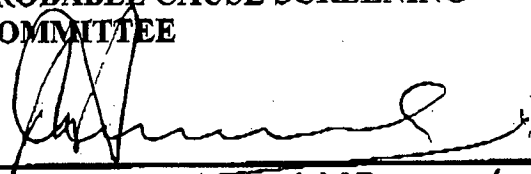
Prothonotary
Department of State
2601 North Third Street
Harrisburg, PA 17110
717-772-2686

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**



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:

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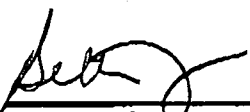
Juan A. Ruiz
Prosecuting Attorney
2601 North Third Street
Harrisburg, Pennsylvania 17110
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BY ORDER:

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PROBABLE CAUSE SCREENING
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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:

717-787-0251

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

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Kermit B. Gosnell, M.D.,
Respondent

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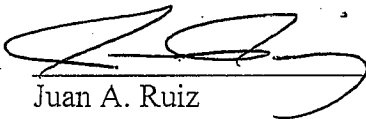
Docket No. 0337-49-10
File No. 10-49-01572

CERTIFICATE OF SERVICE

I, Juan A. Ruiz, hereby certify that I have this 22nd day of February, 2010 served a true and correct copy of the foregoing Order and Petition for Immediate Temporary Suspension upon all parties of record in this proceeding in accordance with the requirements of §33.32 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §33.32 (relating to service by the agency).

CERTIFIED MAIL, RETURN RECEIPT REQUESTED:

Kermit B. Gosnell, M.D.
3801 Lancaster Avenue
Philadelphia, PA 19104



Juan A. Ruiz
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

P. O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

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

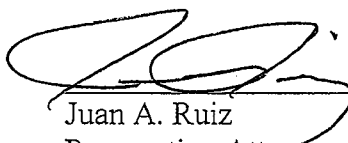
Commonwealth of Pennsylvania :
Bureau of Professional and :
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vs. : Docket No. 0337-49-10
 : File No. 10-49-01572
Kermit B. Gosnell, M.D., :
Respondent :

CERTIFICATE OF SERVICE

I, Juan A. Ruiz, hereby certify that I have this 2nd day of February, 2010 served a true and correct copy of the foregoing Notice and Order to Show Cause upon all parties of record in this proceeding in accordance with the requirements of §33.32 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §33.32 (relating to service by the agency).

FIRST CLASS MAIL, POSTAGE PREPAID:

Kermit B. Gosnell, M.D.
3801 Lancaster Avenue
Philadelphia, PA 19104



Juan A. Ruiz
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

P. O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

COPY

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

PROTHONOTARY
2010 FEB 22 AM 10:56
Department of State

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Kermit B. Gosnell, M.D.,
Respondent

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Docket No. 0337-49-10
File No. 10-49-01572

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.

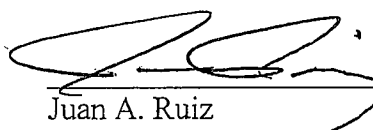
29. Respondent ordered unlicensed individuals to administer medications and perform medical procedures on patients.

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,



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