

COPY

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

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Docket No. 1647-49-10  
File No. 10-49-02410

Department of State

2011 FEB 23 PM 3: 26

PROTHONOTARY

CONSENT AGREEMENT AND ORDER

The Commonwealth, by and through the Bureau of Professional and Occupational, hereinafter the "Bureau" and Respondent (Kermit B. Gosnell, M.D.,) stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine pursuant to the Medical Practice Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.

2. At all relevant and material times, Kermit B. Gosnell, M.D., ("Respondent") holds a license to practice medicine in the Commonwealth of Pennsylvania, license number MD009422E. Said license is presently under a temporary suspension Order.

3. Respondent admits that the following facts are true:

a. Respondent's license is suspended and expired on 12/31/10, but may be renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is 3801 Lancaster Avenue, Philadelphia, PA 19104.

c. Respondent last practiced in the Philadelphia area.

d. On or about January 20, 2011, Respondent was arrested in Philadelphia County, Pennsylvania and charged with Murder (18 Pa.C.S.A. Section 2502), Drug Delivery Resulting in Death (18 Pa.C.S.A. Section 2506) among other charges that relate to Respondent's practice of medicine. A copy of the Municipal Court Docket of the Respondent's criminal charges from Philadelphia County is attached hereto and incorporated by reference as **EXHIBIT A**.

4. The Department of State alleges that, by virtue of the foregoing, Respondent violated the Act at 63 P.S. Section 422.41 (8) (unprofessional conduct) in that Respondent has been charged with murder and drug law violations relating to his practice of medicine.

5. The Respondent, in consideration of this Consent Agreement, has chosen not to contest the above allegations of wrongdoing during the pendency of the criminal proceedings, but while admitting no guilt or wrongdoing, agrees that for the sole purpose of this proceeding before the Pennsylvania State Board of Medicine, this Consent Agreement shall have the same effect as if proven and ordered after a full hearing, and in so doing and intending to be legally bound, the participants consent to issuance of the following Order in settlement of this matter:

a. Respondent agrees that if the criminal charges referenced in Exhibit A are proven, those allegations would be a violation of 63 P.S. §422.41 (8). Respondent, for the purpose of this Consent Agreement, stipulates to the jurisdiction of the Board to enter this Order.

b. The Respondent shall **voluntarily surrender** his license, No. MD009422E, while his criminal case is pending in the Philadelphia County Court of Common Pleas. Upon adoption of this Order the Respondent shall cease and desist from practicing in this

Commonwealth and shall not represent himself as a licensee of the Pennsylvania State Board of Medicine in any manner whatsoever. The Respondent shall not apply to renew or reinstate his license while his criminal case is pending. Within ten days of the adoption of this Order the Respondent shall surrender his wall certificate, registration certificate and wallet card by mailing them to Juan Ruiz, Prosecuting Attorney, Legal Office, Department of State, 2601 North Third St, Harrisburg, PA 17105.

c. Should the Respondent be acquitted of the above-charges listed in **Exhibit A** Respondent may petition the Board to reinstate his medical license.

d. Additionally, if there is an acquittal, the Department of State reserves the right to proceed with an Order to Show Cause in a Formal Hearing if it deems that there is evidence of a Medical Practice Act violation.

6. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth, by and through the Bureau, and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and

consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter, but the Consent Agreement and all exhibits shall be withdrawn and shall be neither used nor mentioned in any subsequent proceedings, nor shall any admissions contained herein constitute admissions in this or any other context, document or proceeding, used for any purpose other than the furtherance of this Consent Agreement. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

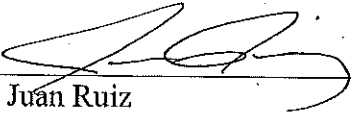
9 Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division, unless the Order varies in any way from the stipulations.

10. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

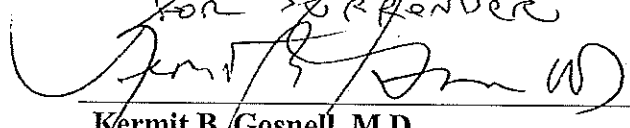
11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

AT THIS TIME, WALL CERTIFICATE  
REGISTRATION CERTIFICATE  
AND WALLER CARD

ARE NOT AVAILABLE TO ME  
FOR SURRENDER



Juan Ruiz  
Prosecuting Attorney  
Department of State



Kermit B. Gosnell, M.D.,  
Respondent

DATED: 2/16/11

DATED: February 3, 2011

# MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: MC-51-CR-0002714-2011

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Kermit B B. Gosnell

Page 1 of 5

## CASE INFORMATION

Cross Court Docket Nos: PARS-MC-51-CR-0002714-2011

Judge Assigned:

Date Filed: 01/20/2011

Initiation Date: 01/20/2011

OTN: N7228605

Lower Court Docket No: MC-51-CR-0002714-2011

Initial Issuing Authority:

Final Issuing Authority:

Arresting Agency: Philadelphia Pd

Arresting Officer: WOOD JR, JAMES M

Case Local Number Type(s)

Case Local Number(s)

District Control Number

1071000056

## STATUS INFORMATION

Case Status: Active

Status Date  
01/20/2011

Processing Status  
Awaiting Preliminary Hearing

Arrest Date: 01/19/2011

Complaint Date: 01/20/2011

## CALENDAR EVENTS

<u>Case Calendar Event</u> <u>Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Preliminary Arraignment	01/20/2011	12:41 pm	B08	Arraignment Court Magistrate Jane M. Rice	Scheduled
Arraignment Preliminary Hearing	02/09/2011	9:00 am	306		Scheduled

## DEFENDANT INFORMATION

Date Of Birth:

02/09/1941

City/State/Zip: Philadelphia, PA 19104

Alias Name

Gosnell, Kermit

## CASE PARTICIPANTS

Participant Type

Name

Defendant

Gosnell, Kermit B B.

**EXHIBIT  
A**

# MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: MC-51-CR-0002714-2011

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

Page 2 of 5

- v -

Kermit B B. Gosnell

## CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Date	OTN
1	1		18 § 2502, §§	Murder	02/18/2010	N7228605
2	2		18 § 2502 §§	Criminal Solicitation Murder	02/18/2010	N7228605
3	3		18 § 2502 §§	Conspiracy Murder	02/18/2010	N7228605
3	3		18 § 2502 §§	Criminal Conspiracy Engaging Murder	02/18/2010	N7228605
4	4		35 § 780-113 §§	Admin Etc Of Cont Subst By Pract	02/18/2010	N7228605
5	5		35 § 780-113 §§	Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	02/18/2010	N7228605
6	6		35 § 780-113 §§	Criminal Solicitation Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	02/18/2010	N7228605
7	7		18 § 2502 §§	Murder Of The Third Degree	02/18/2010	N7228605
8	8		18 § 2506 §§	Drug Delivery Resulting In Death	02/18/2010	N7228605
9	9		18 § 911 §§	Corrupt Organizations	02/18/2010	N7228605
10	10		18 § 2502 §§	Conspiracy Murder	02/18/2010	N7228605
10	10		18 § 2502 §§	Criminal Conspiracy Engaging Murder	02/18/2010	N7228605
11	11		18 § 3211 §§	Abortion on Unborn Child of 24 weeks or more	02/18/2010	N7228605
12	12		18 § 3212 §§	Infanticide	02/18/2010	N7228605
13	13		18 § 2502 §§	Conspiracy Murder	02/18/2010	N7228605
13	13		18 § 2502 §§	Criminal Conspiracy Engaging Murder	02/18/2010	N7228605
14	14		18 § 5105 §§	Hinder App/Prosec-Harbor Or Conceal	02/18/2010	N7228605
15	15		18 § 3922 §§	Theft By Decep-False Impression	02/18/2010	N7228605
16	16		18 § 6301 §§	Corruption Of Minors	02/18/2010	N7228605
17	17		18 § 2502 §§	Conspiracy Murder	02/18/2010	N7228605
17	17		18 § 2502 §§	Criminal Conspiracy Engaging Murder	02/18/2010	N7228605
18	18		18 § 5101 §§	Obstruct Admin Law/Other Govt Func	02/18/2010	N7228605

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

# MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: MC-51-CR-0002714-2011

### CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Kermit B B. Gosnell

Page 3 of 5

19	19	18 § 5510 §§	Abuse Of Corpse	02/18/2010	N7228605
20	20	18 § 4910 §§	Tamper With/Fabricate Physical Evidence	02/18/2010	N7228605
21	21	0 § 0 §§	PARS charge not mapped.	02/18/2010	N7228605



# MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: MC-51-CR-0002714-2011

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Kermit B B. Gosnell

Page 4 of 5

## DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diverson Program Type</u>	<u>Incarceration/Diversory Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
<u>Linked Offense - Sentence</u>	<u>Link Type</u>	<u>Linked Docket Number</u>	

**Proceed to Court**

Preliminary Arraignment	01/20/2011	Not Final	
1 / Murder	Proceed to Court	18§2502	
2 / Criminal Solicitation Murder	Proceed to Court	18§902§§A	
3 / Conspiracy Murder	Proceed to Court	18§903§§C	
3 / Criminal Conspiracy Engaging Murder	Proceed to Court	18§903§§A1	
4 / Admin Etc Of Cont Subst By Pract	Proceed to Court	35§780-113§§A14	
5 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Proceed to Court	35§780-113§§A30	
6 / Criminal Solicitation Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Proceed to Court	18§902§§A	
7 / Murder Of The Third Degree	Proceed to Court	18§2502§§C	
8 / Drug Delivery Resulting In Death	Proceed to Court	18§2506§§A	
9 / Corrupt Organizations	Proceed to Court	18§911§§B1	
10 / Conspiracy Murder	Proceed to Court	18§903§§C	
10 / Criminal Conspiracy Engaging Murder	Proceed to Court	18§903§§A1	
11 / Abortion on Unborn Child of 24 weeks or more	Proceed to Court	18§3211§§A	
12 / Infanticide	Proceed to Court	18§3212§§B	
13 / Conspiracy Murder	Proceed to Court	18§903§§C	
13 / Criminal Conspiracy Engaging Murder	Proceed to Court	18§903§§A1	
14 / Hinder App/Prosec-Harbor Or Conceal	Proceed to Court	18§5105§§A1	
15 / Theft By Decep-False Impression	Proceed to Court	18§3922§§A1	
16 / Corruption Of Minors	Proceed to Court	18§6301§§A1	
17 / Conspiracy Murder	Proceed to Court	18§903§§C	
17 / Criminal Conspiracy Engaging Murder	Proceed to Court	18§903§§A1	
18 / Obstruct Admin Law/Other Govt Func	Proceed to Court	18§5101	
19 / Abuse Of Corpse	Proceed to Court	18§5510	
20 / Tamper With/Fabricate Physical Evidence	Proceed to Court	18§4910§§1	
21 / PARS charge not mapped.	Proceed to Court	0§0§§0	

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

MUNICIPAL COURT OF PHILADELPHIA COUNTY

DOCKET



Docket Number: MC-51-CR-0002714-2011

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Kermit B B. Gosnell

Page 5 of 5

COMMONWEALTH INFORMATION

ATTORNEY INFORMATION

Name: Philadelphia County District Attorney's Office Prosecutor

Name:

Supreme Court No:

Supreme Court No:

Rep. Status:

Phone Number(s):

Phone Number(s):

(215) 686-8000 (Phone)

Address:

3 South Penn Square Philadelphia PA 19107

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>
1	01/20/2011	
PARS Transfer		

Municipal Court - Philadelphia County

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

-----  
**ORDER**

AND NOW, this 22 day of February, 2011 the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

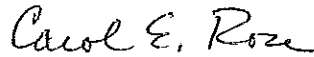
BY ORDER:

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE



Thomas J. Weaver  
Acting Commissioner



Carol E. Rose, M.D., Chairperson  
Chairman

Date of mailing:

For the Commonwealth:

Juan Ruiz, Esquire  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

William I. Arbuckle, III, Esquire  
The Mazza Law Group, P.C.  
3081 Enterprise Drive, Suite 2  
State College, PA 16801

aed