

PROTHONOTARY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE SEP 16 AM '95

Commonwealth of Pennsylvania	:	BUREAU OF PROFESSIONAL
Bureau of Professional and	:	AND
Occupational Affairs	:	OCCUPATIONAL AFFAIRS
	:	
vs.	:	Docket No. 0371-49-95
	:	File No. 92-49-03897
Kermit Gosnell, M.D.,	:	
Respondent	:	

CONSENT AGREEMENT

1. The State Board of Medicine is a departmental administrative body of the Department of State, organized under the provisions of the Medical Practice Act of 1985, the Act of December 20, 1985, P.L. 457, as amended, ("Act"), 63 P.S. §422.1-422.45.

2. Kermit Gosnell, M.D., ("Respondent"), holds a license to practice medicine and surgery without restriction in the Commonwealth of Pennsylvania, License Number MD-
009422-E
~~032014-E.~~

3. The Respondent's last known address on file with the Board is 3801 Lancaster Avenue, Philadelphia, Pennsylvania 19104.

4. The Respondent has been fully advised of, and knowingly and voluntarily waives, his right to a formal administrative hearing, to be represented by counsel thereat, to present witnesses and testimony in his defense and in mitigation of any sanction that may be imposed for a violation, to cross-examine witnesses and to challenge evidence presented by the Commonwealth against him, to present legal arguments by means of a Brief, and to take an appeal from any final decision adverse to his interest in his license to practice medicine and surgery without restriction in the Commonwealth of Pennsylvania.

5. Respondent agrees to resolve the allegations that were raised by the Commonwealth in an Order to Show Cause through this Consent Agreement.

6. Respondent admits that the following facts are true:

a. During July, 1990 Respondent employed a physician's assistant that was not certified, nor had she received her supervisory letter authorizing her to work pending receipt of her Board examination scores.

b. During July, 1990, the physician's assistant saw at least one patient and treated him.

c. During July, 1990, the physician's assistant wrote a prescription for a patient which was co-signed by Respondent.

7. Based upon the facts set forth above, Respondent admits that his right to practice as a physician in the Commonwealth of Pennsylvania is subject to disciplinary action under the Medical Practice Act, 63 P.S. §422.41 (7) and 49 Pa. Code §18.158 by aiding and assisting in the unlicensed practice of medicine and consents to the issuance by the Board of the following Order:

a. Respondent is hereby PUBLICLY REPRIMANDED;

b. Respondent shall pay a CIVIL PENALTY in the amount of one thousand (\$1,000) dollars, payable by certified check, cashier's check, attorney's check or money order made payable to the Commonwealth of Pennsylvania at the time this Consent Agreement is signed.

c. That Respondent pay reimbursement of costs to the Commonwealth as follows:

Investigations:	6 hours at 28.95 = \$173.70
Attorney time:	8 hours at 60.00 = <u>\$480.00</u>
Total	\$653.70

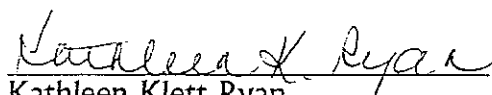
8. Respondent agrees and consents to the issuance of an Order of the Board adopting and implementing the terms of this Consent Agreement.

9. The parties understand that this Consent Agreement is between the Prosecuting Attorney and the Respondent only, and, except as otherwise noted herein, is to have no legal effect unless and until the contents have been approved by the Office of General Counsel as to form and legality and the Board issues an Order implementing this Consent Agreement.

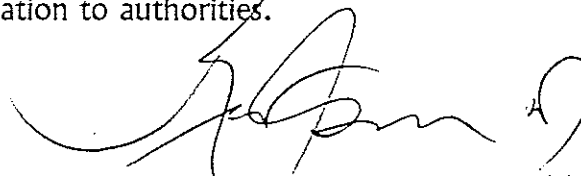
10. Should this Consent Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. The participants further agree to waive any objection to a Board member's consideration of this Agreement in the event that the member participated in a prior decision to prosecute this matter. This paragraph is binding on the participants even if the Board disapproves this Consent Agreement.

11. Respondent agrees as a condition of entering into this Consent Agreement not to seek modification at a later date of the Order adopting and implementing this Consent Agreement without obtaining the express written concurrence of the Office of Prosecution.

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


Kathleen Klett Ryan
Prosecuting Attorney
Bureau of Professional and
Occupational Affairs

DATE: 3/13/96

 3/12/96
Kermit Gosnell, M.D.
Respondent

DATE:

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

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

vs.

**Kermit Gosnell, M.D.,
Respondent**

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**Docket No. 0371-49-95
File No. 92-49-03897**

ORDER

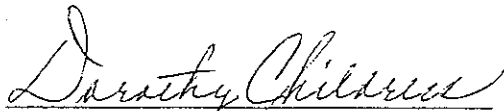
AND NOW, this *26th* day of *March*, 199*6*, the State Board of Medicine, in consideration of the foregoing Consent Agreement, **ORDERS** as follows:

- a. Respondent is hereby **PUBLICLY REPRIMANDED**;
- b. Respondent shall pay a **CIVIL PENALTY** in the amount of one thousand (\$1,000) dollars, payable by certified check, cashier's check, attorney's check or money order made payable to the Commonwealth of Pennsylvania at the time this Consent Agreement is signed.
- c. That Respondent pay reimbursement of costs to the Commonwealth as follows:

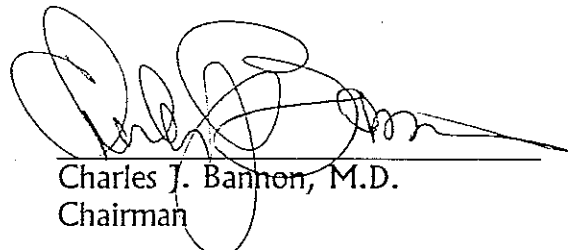
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Attorney time:	8 hours at 60.00 = <u>\$480.00</u>
Total	\$653.70

BY ORDER:

**PROFESSIONAL AND OCCUPATIONAL
AFFAIRS**


Dorothy Childress
Commissioner

STATE BOARD OF MEDICINE


Charles J. Bannon, M.D.
Chairman

For the Commonwealth: Kathleen K. Ryan, Esquire
116 Pine Street, 2nd Floor
Harrisburg, PA 17101

Respondent's Address: Kermit Gosnell, M.D.
3801 Lancaster Avenue
Philadelphia, PA 19104

Date of Mailing: 3/29/96