

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. 0157 -49-11
File No. 11-49-01058

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 8th day of February, 2011, 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 or resumption of 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 40(a) of the Medical Practice Act, Act, 63 P.S. § 422.40(a), the action to suspend, revoke, or otherwise restrict a Respondent's license following an Order of Temporary Suspension will be commenced by the filing of an Order to Show Cause.

An Order to Show Cause may be filed by the prosecuting attorney subsequent to this Order of Temporary Suspension, which would seek further restrictions upon Respondent's license to practice. Respondent is directed to respond to any such Order to Show Cause by filing a written answer with the Prothonotary within twenty (20) days of the date of the issuance of the

Order to Show Cause. A formal hearing on the charges contained in the Order to Show Cause 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:

Kerry E. Maloney
Juan A. Ruiz
Prosecuting Attorneys
601 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

Stephen L. Schwartz, M.D.
Stephen L. Schwartz, M.D.
Committee Member

Respondent's Address:

3801 Lancaster Avenue
Philadelphia, PA 19104

Prosecuting Attorney:

Kerry E. Maloney, Esquire

Board Counsel:

Steven Dade, Esquire

Date of Issuance:

February 8, 2011

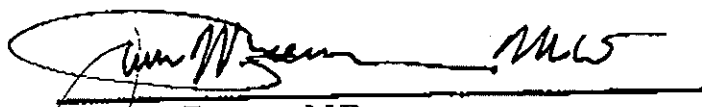
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Kerry E. Maloney
Juan A. Ruiz
Prosecuting Attorneys
2601 North Third Street
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PROTHONOTARY

2011 FEB -8 PM 3:12

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DEPARTMENT OF STATE
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Docket No. 0157-49-11
File No. 11-49-01058

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Kerry E. Maloney, 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. However, the undersigned has reason to believe, as of the

presentation of this Petition, Respondent's address is PP# 1101991, CFCF, 7901 State Road, Philadelphia, PA 19136.

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 currently suspended from a prior immediate temporary suspension. Said suspension will expire on or about February 16, 2011.

6. Respondent's license expired on December 31, 2010, and may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

COUNT ONE

7. Paragraphs 1 through 6 are incorporated by reference.

8. On or about January 18, 2011, Respondent and several of his current and past employees were arrested by the Philadelphia Police Department.

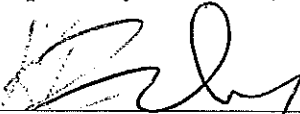
9. Respondent's preliminary arraignment was held on January 20, 2011, and his arraignment and preliminary hearing is scheduled for February 9, 2011.

10. Respondent's charges include, among others, murder, conspiracy to commit murder, infanticide, hindering apprehension/prosecution, obstruction of justice, tampering with evidence, and violations of the Pennsylvania Drug Act. A true and correct copy of the Municipal Court of Philadelphia County Criminal Docket and Charges is attached as an EXHIBIT, and is incorporated as though set forth at length herein.

11. Based upon the foregoing factual allegations, the Respondent's continued practice or resumption of 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,



Kerry E. Maloney
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

DATE: February 8, 2011

MUNICIPAL COURT OF PHILADELPHIA COUNTY

DOCKET



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

CRIMINAL DOCKET

Court Case

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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

RELATED CASES

<u>Related Docket No</u>	<u>Related Case Caption</u>	<u>Related Court</u>	<u>Association Reason</u>
Joined Codefendant Cases MC-51-CR-0002712-2011	Comm. v. Joe, Madeline	MC-01-51-Crim	Same District Control Number and Different Primary Participant

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

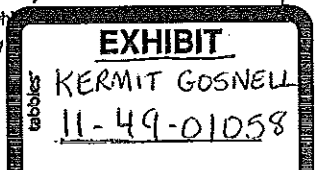
CALENDAR EVENTS

<u>Case Calendar Event Type</u>	<u>Schedule Start Date</u>	<u>Start Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule Status</u>
Preliminary Arraignment	01/20/2011	12:41 pm	B08	Arraignment Court Magistrate Jane M. Rice	Scheduled
Motions Hearing	02/04/2011	9:00 am	1007	Judge Renee Cardwell Hughes	Scheduled
Arraignment	02/09/2011	9:00 am	306		Scheduled
Preliminary Hearing	02/09/2011	9:00 am	1007	Judge Renee Cardwell Hughes	Scheduled

CONFINEMENT INFORMATION

<u>Confinement Known As Of</u>	<u>Confinement Type</u>	<u>Destination Location</u>	<u>Confinement Reason</u>	<u>Still In Custody</u>
02/07/2011	County Jail	Curran-Fromhold Corr. Fac.		Yes

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 only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.



MUNICIPAL COURT OF PHILADELPHIA COUNTY

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v.

Kermit B B. Gosnell

DEFENDANT INFORMATION

Date Of Birth: 02/09/1941 City/State/Zip: Philadelphia, PA 19104

Alias Name

Gosnell, Kermit
Gosnell, Kermit B B.

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Gosnell, Kermit B.

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CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Date</u>	<u>OTN</u>
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 Decap-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

MUNICIPAL COURT OF PHILADELPHIA COUNTY

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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

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MUNICIPAL COURT OF PHILADELPHIA COUNTY

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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 Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary 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

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COMMONWEALTH INFORMATION

ATTORNEY INFORMATION

Name: Philadelphia County District Attorney's Office
Prosecutor

Name:

Supreme Court No:

Supreme Court No:

Rep. Status:

Phone Number(s): (215) 686-8000 (Phone)

Phone Number(s):

Address:

3 South Penn Square
Philadelphia PA 19107

ENTRIES

Table with 3 columns: Sequence Number, CP Filed Date, Document Date. Contains 3 entries regarding PARS Transfer, Motions Hearing, and Motion to File Bills of Information.

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MUNICIPAL COURT OF PHILADELPHIA COUNTY

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Respondent :


CERTIFICATE OF SERVICE

I, Kerry E. Maloney, hereby certify that I have this 9th day of February, 2011 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

Kermit B. Gosnell, M.D.
PP# 1101991
CFCF
7901 State Road
Philadelphia, PA 19136



Kerry E. Maloney
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

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

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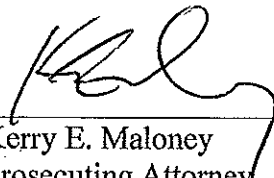
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FIRST CLASS MAIL, POSTAGE PREPAID:

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Philadelphia, PA 19104

Kermit B. Gosnell, M.D.
PP# 1101991
CFCF
7901 State Road
Philadelphia, PA 19136


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