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[ATG] State files licensing action against four Indiana physicians for violations of abortion record-keeping, advice and consent laws

Start Date: 9/17/2014 **Start Time:** 12:00 AM

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INDIANAPOLIS – Attorney General Greg Zoeller’s Office today filed administrative licensing complaints with the Indiana Medical Licensing Board against four physicians for violations of abortion record-keeping and advice and consent laws. The complaints ask the board to consider appropriate disciplinary action against the medical licenses of these doctors operating in Lake, St. Joseph and Marion counties.

In the most egregious complaint, Dr. Ulrich Klopfer of South Bend, Ind. is accused of consistently submitting incomplete, inaccurate and late documentation of the abortion procedures he performs. His alleged violations total 1,833, and are based on complaints brought to the AG’s Office by the Indiana Professional Licensing Agency. Additionally, Klopfer faces criminal misdemeanor charges in Lake and St. Joseph counties for similar alleged violations involving abortions performed on 13-year-old patients.

Indiana law requires physicians performing abortion procedures to submit terminated pregnancy reports to the Indiana State Department of Health (ISDH) for statistical purposes and comply with other advice and consent requirements and record-keeping requirements. A doctor of osteopathy, Klopfer performed abortion procedures in South Bend and Gary and previously did so in Fort Wayne.

The total 1,833 alleged violations or counts comprise one administrative complaint against Klopfer’s license, filed with the Medical Licensing Board today:

- 1,818 counts of submitting incomplete and incorrect terminated pregnancy reports, as required by Indiana Code 16-34-2-5(b).
- Two counts of failure to timely submit a terminated pregnancy report for 13-year-old patients within three days of the abortion procedure, as required by Indiana Code 16-34-2-5(b).

- Six counts of failure to ensure informed and voluntary consent was obtained through properly credentialed counselors, as required by Indiana Code 16-34-2-1.1.
- Seven counts of failure to ensure informed and voluntary consent was obtained 18 hours prior to performing procedures, as required by Indiana Code 16-34-2-1.1(a)(1).

“The pending criminal charges brought by county prosecutors along with the sheer volume of unexplained violations by this licenseholder merits review by the Medical Licensing Board to determine whether disciplinary action is warranted for the noncompliance,” Zoeller said.

In one alleged violation of state law, the complaint says, Klopfer did not submit the required pregnancy-termination report until 116 days after performing a procedure on a 13-year-old; in another, he did not submit a report until 206 days after doing so.

Klopfer filed pregnancy-termination reports with ISDH on 1,818 abortion procedures he performed between July 2012 and November 2013, but the complaint notes that all 1,818 reports were incomplete and incorrect in some way. Each report contained on average four omissions or errors involving medical and statistical information that must be reported to ISDH for statistical purposes. For example, all of Klopfer’s reports failed to identify the name or age of the father, offering a prepopulated response of “unknown” instead.

The AG’s Office also filed administrative licensing complaints today against Dr. Resad Pasic, Dr. Kathleen Glover and Dr. Raymond Robinson, all of whom perform abortion procedures in Marion County and are in alleged violation of similar record-keeping and advice and consent laws regarding abortion procedures.

The AG’s Office requests a disciplinary hearing in the cases filed today, but the doctors’ licenses to practice remain active until further action by the licensing board.

The Consumer Protection Division of the Indiana Attorney General’s Office is authorized to investigate consumer complaints submitted by patients and the public or other agencies against licensed health professionals, such as physicians. If violations are substantiated, then the AG’s Office files an administrative licensing action against the

professional's license with the licensing board, the step taken today against these four doctors.

Under an administrative law procedure, the Medical Licensing Board next will hear evidence at a hearing. In licensing matters the board serves as jury and judge – determining first whether a licensing violation occurred, and if so, what disciplinary action to impose against the licenseholder, which can range from reprimand to license suspension to revocation and fines. The licensing board has not yet scheduled hearings for these cases.

Administrative licensing actions are entirely separate from criminal cases that are solely the jurisdiction of county prosecutors.

NOTE: Copies of the administrative licensing complaints filed today are available upon request. Please contact Molly Johnson at 317-234-9133 or Molly.Johnson@atg.in.gov.

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