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Attorney general says banned doctor still running Englewood abortion clinic

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STAFF WRITERS | THE RECORD

An abortion doctor who lost his license in New Jersey and has been banned from practicing in other states is illegally exerting control over women's clinics in Englewood and several other locations, the state attorney general has charged.

Additionally, the facility known as Englewood Women's Services — one of 14 in a chain of clinics that extends to Maryland and Virginia — filed for bankruptcy protection from creditors this week after a federal judge in Maryland three weeks ago awarded \$6.5 million to a former patient in a malpractice case.

Dr. Steven C. Brigham, who lost his New Jersey license in November 2014 after illegally performing abortions in Maryland, has been plagued by controversy throughout a career in which he estimated he performed 40,000 abortions — including late-term procedures — even though he never completed a residency in obstetrics or gynecology.

The website for the chain known as American Women's Services promises low fees, immediate appointments and "private expert care with over 35 years experience."

After New Jersey revoked Brigham's license, the state ordered him to divest of all financial interest in the chain of clinics. The physician purported to sign over interests to another doctor who performed abortions at the clinic and then became a medical director after the state suspended Brigham's license, the state alleges.

"We are arguing that the transfer of ownership was a sham and that through the management services agreement, Brigham is still exerting control over the practice that ought to be exercised by an owner," said Paul Loriguet, a spokesman for the Attorney General's Office.

There is no evidence or indication that Brigham "is engaging in any clinical practice," Loriguet said.

The bankruptcy filing, which seeks Chapter 11 protection, lists "Dr. Steven C. Brigham" of Voorhees as an owner of the company. The Englewood clinic on Grand Avenue is behind \$51,847 on rent, and an eviction is pending, according to court documents. Total assets and liabilities are estimated in the filing at no more than \$50,000 each.

On Wednesday, the Englewood clinic's landlord won a default judgment because no one appeared in court to represent the clinic, a court official said.

Hackensack lawyer Donald T. Bonomo, who is representing the Englewood clinic in bankruptcy court in Newark, said that it "will continue to operate" as it reorganizes. He declined to comment on the status of Brigham's medical license or on clinic managers' identities or credentials. As the bankruptcy attorney, he is not involved in those matters, he said.

A woman who answered the phone at the Englewood clinic this week identified herself as Skylar Hamilton, a "communications assistant," and said Brigham was not available.



Dr. Steven C. Brigham in a 2012 file photo.

AP FILE PHOTO

Joseph M. Gorrell, an attorney representing Brigham before the state Board of Medical Examiners, said Wednesday the physician has appealed the revocation, and oral arguments have not yet been scheduled. Brigham remains on the revoked physician list and owes the state more than \$500,000 in fines and other costs, Loriquet said.

Brigham, long accused of botched abortions in more than two dozen years of practice, lost his New Jersey license after questionable practices in Maryland.

He began the abortion process in a South Jersey clinic, then directed women — or had his staff drive them — to a clinic he owned in Maryland where the surgical part of the procedure would be performed. However, he was not licensed to conduct surgeries after the first trimester. In advanced cases, they have to be performed in hospitals and he doesn't have admitting privileges or special qualifications, like residency training, which is required under New Jersey state law, officials said.

One patient from South Carolina claimed in a 2015 lawsuit against Brigham and others that in 2012 she underwent a failed non-surgical abortion at an American Women's Services-affiliated clinic in Frederick, Md., resulting in the birth of a child more than 10 weeks premature, with hearing loss, developmental delays, heart defects and other problems.

On Aug. 5, Judge J. Frederick Motz granted the woman a \$6.5 million judgment against Brigham and the other defendants.

The recent investigation into the control of the 14 clinics is tied to a complaint New Jersey filed against a physician affiliated with Brigham — Vikram H. Kaji — an 80-year-old board certified obstetrician and gynecologist, who has served as medical director at all clinic locations.

In addition to Englewood, clinics are located in: Elizabeth, Hamilton, Phillipsburg, Galloway, Toms River, Voorhees and Woodbridge in New Jersey. In Maryland, clinics are located in Baltimore, Cheverly, Frederick and Silver Spring.

In Virginia, there's a clinic in Virginia Beach and Fairfax, but state regulators suspended the license of the Fairfax facility in April after finding a number of problems including unsanitary equipment, expired medication and failure to follow proper care protocols — 52 pages in all.

"The license remains suspended," said Maribeth Brewster, a spokeswoman for Virginia regulators.

Kaji began working for Brigham as an independent contractor to perform abortions in 1996. In 2010, Kaji took over as medical director at all clinic locations when Brigham's license was temporarily suspended and he was prohibited from serving in the job, according to the complaint the state filed against Kaji in June 2015.

The board received a stock certificate in March 2015 that purported to show Brigham transferred complete ownership to Kaji as a condition of Brigham's losing his license. The two physicians also sent a transfer of ownership notice for three of the locations — Elizabeth, Englewood and Hamilton — to the state Department of Health, which registers the facilities, according to state documents.

In May 2015, Kaji testified under oath before a board panel and denied being the owner, according to the state complaint.

Kaji said Brigham continued to fulfill the obligations as owner in all clinic locations in New Jersey and beyond, state documents show. Kaji "expressly testified that 'there is no other person around, [Brigham's] the only one who runs the show,'" according to the complaint.

In fact, Kaji during testimony said of the ownership transfer: "It was just a technical paper transaction so the business could go on."

Kaji "aided and abetted the unlicensed practice of medicine in allowing Brigham to maintain ownership of AWS, a professional service corporation, an activity for which a medical license is required," the state complaint alleges.

Gorrell, who is also representing Kaji, declined to comment pending a hearing scheduled for Sept. 12 and 13 on the move to suspend Kaji's license.

Brigham has been the subject of many disciplinary hearings in New Jersey and elsewhere over the last two decades. Brigham left Pennsylvania in 1992, agreeing never to practice in the state again, according to a series of stories The Record published in 1994 on a three-state inquiry into the physician.

The agreement was reached after a confidential investigation by the Pennsylvania medical board, but authorities at the time refused to divulge further information. New York and New Jersey had investigated the physician on allegations of malpractice.

In November 1994, New York revoked the physician's license after two women undergoing late-term abortions were injured, one of whom suffered a perforated uterus and one who bled for hours before being taken to an emergency room. New Jersey was undertaking its own efforts to revoke Brigham's license, in some instance, citing the same cases, The Record found in 1994.

The attorney general pressed the state board at the time to revoke Brigham's license, but the board chose to allow hearings to continue.

Two decades later, the New Jersey board revoked Brigham's license after he practiced medicine in Maryland without a license. The

order cited a New Jersey administrative law judge's findings: After reviewing Brigham's extensive track record of disciplinary actions in New Jersey, New York, Pennsylvania and Florida, the judge noted that "Dr. Brigham has finally cut enough corners."

An attorney representing Brigham said there were 23 times that another doctor performed the surgery, not Brigham himself. He argued that he had a "consultive relationship" that allowed him to practice in Maryland.

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