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Florida DOH recommends suspension of abortionist Randall Whitney's license

By Jay Rogers. Posted October 09, 2012.



Randall Whitney arrives at work at Orlando Women's Center to kill babies with a smile on his face. This photo was taken the day after a plaintiff won a \$36.7 million lawsuit against Orlando Women's Center due to a botched abortion by Whitney. ([Click to enlarge](#))

ORLANDO, Florida (www.forerunner.com) – A complaint filed by the Florida Department of Health on August 20th, 2012 against abortionist [Randall Whitney](#) recommends one of several penalties, including revocation or suspension of his medical license.

(See the full text of the complaint below.)

The complaint is linked to a [2010 incident](#) in which Whitney to pleaded “nolo contendere” for a charge of misdemeanor battery. An [arrest report](#) describes how Whitney slapped a woman on operating table at Orlando Women’s Center. According to an account told by pro-life sidewalk counselor, Whitney was taken from the scene in handcuffs. The complaint was filed on August 17th, 2012, but has not yet resulted in a disciplinary judgment.

It is not known whether the medical board will view this case in light of several recent lawsuit cases against Whitney. These include two pending medical malpractice suits from 2011 and 2012, *Darosa vs. Whitney, et al*, and *Uzzle vs. Whitney, et al*. Another suit involving Whitney’s gross malpractice resulted in a \$36.7 million judgment in July 2011. Prior to the multi-million dollar lawsuit, Randall Whitney declared bankruptcy. Consequently, Orlando Women’s Center and James Pendergraft have become the targets of the plaintiffs.

A Brief Legal History of Randall Whitney

1996 – [Randall Brooks Whitney](#) begins working for James Pendergraft’s chain of five late term abortion clinics in central Florida.

1999 – A Florida Agency for Health Care Administration report notes the following incident:

Interview with the physician revealed there was an incident ... where a patient allegedly went out to get some lunch after starting the procedure, got lost, delivered a viable fetus in the car, and patient and fetus were sent immediately to the hospital. Baby lived 2 days. Policy changed, patients no longer leave after getting medication.... Physician also stated that sometimes an 18 week old fetus may twitter but this is not considered “viable.”

Later testimony from [Randall Whitney](#) suggests that he is the “physician” interviewed here.

2001 – On November 11th, Carol Howard goes to Orlando Women’s Center, to abort her 22 week old baby girl. The abortionist on duty is [Randall Whitney](#). As a result of mistreatment and gross malpractice, the abortion is botched and a baby girl is born alive in a local hospital. The child survives with massive birth defects.

2004 – On May 25th, Carol Howard files a civil lawsuit against [Randall Whitney](#), Pendergraft, and the Orlando Women’s Center.

2010 – On March 27th, [Randall Whitney](#) is arrested at Orlando Women’s Center for [aggravated battery](#) after slapping a patient while she was on the operating table.

On September 22 at 9:20 pm, abortionist [Randall Whitney](#) is taken out of the Orlando Women’s Center abortion clinic [in handcuffs](#) by the police. This time it is on a warrant issued because he did not show up for a court hearing. The police are tipped off by two sidewalk counselors who knew about the warrant and noted that Whitney had been sleeping in his car in the OWC parking lot. This is the second time in six months that Whitney has been arrested while on duty at the abortion clinic.

2011 – On July 22nd, a [Florida jury awards \\$36,766,000](#) in damages to Carol Howard, to provide funding for lifetime care of “JH,” who was severely harmed as a result of being born alive after a [botched abortion](#) that occurred at Orlando Women’s Center in 2001.

Perhaps the most interesting part of the trial testimony is when [Randall Whitney](#), the abortionist on duty at the time, speaks cavalierly and without being prodded about babies being born alive into the toilet.

Question: Has there ever been a circumstance where you have been contacted by the medical staff that there has been a delivery of a live fetus?

Randall Whitney: They would not have contacted me because of that.

Question: What was the procedure to be followed in that circumstance?

Randall Whitney: Well, usually the fetus was into the toilet. I mean, nearly always they made it to the toilet. It was precipitated into the toilet so ...

Question: Okay. Explain to me what you mean by that, I’m kind of confused. Is that how it was disposed of?

Randall Whitney: No.... No. That’s how it happened, though, at the time of the expulsion. It was just more convenient to be in the toilet, okay? So I assume that at times there might be some movement, which would suggest life.... But there was no attempt at resuscitation.

Question: Were there any protocols or procedures in place that there should be resuscitation attempts where there was fetal movement?

Randall Whitney: I don’t know of any.

Question: And I take from your response when you say “usually it was in the toilet,” that had occurred before that you were aware of? The woman has delivered a fetus, there had been movement, and the movement ceased thereafter?

Randall Whitney: Where? In the toilet?

Question: Yeah.

Randall Whitney: I think so.

Question: Was that at the Orlando Women’s Center?

Randall Whitney: Yes.

Question: So just that I'm clear, the instances where there may have been signs of a live birth; i.e., movement by the fetus, were instances where the woman was experiencing symptoms within the restroom and delivered the fetus into the toilet – that is what you're saying?

Randall Whitney: Yes.

See also:

[The Tangled Legal History of James Pendergraft](#)

See the [full article](#) with links to over 100 news articles on abortionist James Pendergraft.

In a 2007, WFTV interview, medical malpractice attorney Mark Morsch spoke of the lax discipline by the Department of Health for doctors in the state of Florida.

What would be right is for Dr. Pendergraft to never have a medical license in the state of Florida. Based on his track record, there is going to be more young women in the future who are victims of his incompetence.

The article goes on to say that Morsch was worried about what could happen “a year from now when Dr. Pendergraft’s suspension ends.”

Pendergraft received yet another suspension in 2010 due to allowing a woman employee to administer narcotics to patients although she had no license to do so. A University of Central Florida professor, Aaron Lieberman, questioned the rigor of Florida’s laws in an interview with CFNews 13.

Unfortunately in the state of Florida over the past many years, we have not seen the enforcement of standards to the extent and with the rigor of some other states.

Lieberman went on to say that if Pendergraft practiced in other states, he would be unlikely to ever get his license back.

In 2012, Pendergraft was recommended for a fifth disciplinary judgment due to his failure to pay the fines from the previous case. However, the 2012 complaint resulted in an upgrade of his license to “Probation” status allowing him to practice medicine once again under the supervision of another licensed physician.

It is a great travesty that the Florida Department of Health lifted the suspension status of Pendergraft’s license.

It is also inconceivable that Randall Whitney be allowed to retain his license. Whitney is now 79-years-old. We pray that the Florida Department of Health sees fit to send him into his long-awaited retirement.

Below is the full text of the complaint against Randall Whitney.

STATE OF FLORIDA DEPARTMENT OF HEALTH

CASE NUMBER: 2010-18780

DEPARTMENT OF HEALTH, PETITIONER, v. RANDALL B. WHITNEY, M.D., RESPONDENT

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, Randall B. Whitney, M.D. thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 8859.
3. Respondent's address of record is 820 Indigo Court, Port Orange, Florida 32129.
4. On or about March 27, 2011, Respondent was arrested for intentionally striking Patient A.R. during or following an attempt to prepare the patient for a procedure.
5. On or about October 4, 2011, Respondent plead nolo contendere to one count of the crime of misdemeanor battery, a violation of Section 784.03(1)(b), Florida Statutes (2011), in the Circuit Court for Orange County, Florida in case number 2010 CF4271000 AOX.
6. Respondent was sentenced to time served of one (1) day, a fine and court costs and fees.
7. Respondent's plea of nolo contendere to misdemeanor battery relates to his practice of medicine or to his ability to practice medicine in that he engaged in the conduct of committing battery upon the patient due to the patient's response to attempts to place an Intravenous line. Respondent was acting in his capacity as a physician and was at the clinic where he performed procedures. Further, the patient was being prepared for a procedure to be performed by Respondent. Without a license to practice medicine, Respondent would not have been in a position to have such intimate contact with the patient.

8. The crime of battery to which Respondent pled nolo contendere requires an actual and intentional touch against the will of the other. A physician licensed in the State of Florida is one of a small number of licensed professionals allowed to intimately examine patients. The Legislature has vested a trust and confidence in these licensed professionals by permitting them to do so. Engaging in conduct wherein that trust and confidence is violated presents a danger to the public health, safety, or welfare, and does not correspond to that level of professional conduct expected of one licensed to practice medicine in this state.

9. Respondent has demonstrated, through his plea as set forth above, a flagrant disregard for the duties and responsibilities imposed upon a physician practicing in the State of Florida and for the health and welfare of his patients and for the citizens of this state. Respondent's actions of actually and intentionally touching another against her will, constitutes a breach of the trust and confidence that the public deservedly expects and that the Legislature placed in him by issuing him a license to practice medicine. It directly relates to the ability to practice medicine.

10. Section 456.072(1)(c), Florida Statutes (2011), provides that being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of medicine or to the ability to practice medicine subjects a licensee to discipline by the Board of Medicine.

11. On or about October 4, 2011, Respondent plead nolo contendere to misdemeanor battery in the Circuit Court for Orange County, Florida in case number 2010 CF4271000 AOX, a crime related to the practice of medicine or to the ability to practice medicine.

12. Respondent violated Section 456.072(1)(c), Florida Statutes (2011), by entering a nolo contendere to a crime related to the practice of medicine or his ability to practice medicine.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 17th day of August, 2012.

John H. Armstrong, MD
State Surgeon General and
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DATE: August 20, 2012

PCP Date: August 17, 2012
PCP Members: Dr. Lage, Dr. Avila, Mr. Mullins

DOH v. Randall B. Whitney, M.D., Case No. 2010-18780

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counselor or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.