

STATE MEDICAL BOARD OF OHIO COMPLAINT FORM

Thank you for contacting the State Medical Board of Ohio. Please complete this form and return to:

Public Inquiries  
State Medical Board of Ohio  
30 East Broad Street, 3<sup>rd</sup> Floor  
Columbus, Ohio 43215-6127

med.ohio.gov

Fax: (614) 728-5946

Your Name Cheryl Sullenger Patient's Name Lacresha Hinton

Your Address P.O. Box 782888

City Wichita State KS Zip 67278

Phone Number (316) 516-3034 Work Number (316) 516-3034

The Board is requesting that you provide the patient's date of birth so that the Board may properly identify the patient if a subpoena is sent to the health care provider for copies of the patient's records, as permitted by Section 4731.22(F)(3), ORC.

Date of Birth unknown

List the full name, address and phone number of the health care provider(s) you wish to report to the Medical Board:

Provider(s) Name Harley M. Blank

Address 1243 E. Broad St.

City Columbus State OH Zip 43205

Phone Number (614) 251-1800

Date of Incident Dec. 1 - 11, 2012

Please describe your concerns regarding your health care provider or staff. You may use additional paper if needed:

Please see attached letter of  
complaint and exhibit.

Complaint Form Page 2

See attached.



January 12, 2015

Public Inquiries  
State Medical Board of Ohio  
30 East Broad Street, 3<sup>rd</sup> Floor  
Columbus, Ohio 43215-6127

Dear Ladies and Gentlemen:

This is a letter of complaint against Harley Blank, MD, who is a current licensee in the State of Ohio (Credential Number 35.027415).

I am submitting to you a copy of a medical malpractice suit filed in Franklin County Court of Common Pleas, Civil Division, on December 2, 2013, captioned *Lacresha Hinton v. Downtown Gynecologists, Inc., Harley Blank, and John Doe Corporation*, Case Number 13CV013010. (Hereafter referred to as *Hinton v. Blank*.) I have designated this copy as "Exhibit 1."

#### **Narrative**

Ms. Hinton went to Founder's Women's Health Center, located at 1243 Broad Street, Columbus, Ohio, 43205, on December 1, 2012, and was seen by Dr. Harley Blank.

Ms. Hinton was given a "pre-operative consultation" and an ultrasound. She was initially told that she may have an ectopic pregnancy, but was later informed that the pregnancy was in her uterus. She was scheduled for a surgical abortion procedure on December 4, 2012.

When Ms. Hinton returned to Founder's Women's Health Center on December 4, 2012, she was given another ultrasound prior to her abortion procedure. Dr. Blank assured her that she did not have an ectopic pregnancy and told her that her pregnancy was inside her uterus.

Dr. Blank then went through the motions of performing a surgical abortion procedure on Ms. Hinton.

However, no abortion was actually done because Ms. Hinton actually was experiencing a dangerous cornual pregnancy, in which her pregnancy was growing inside the portion of her left fallopian tube that lies within the wall of the uterus.

On December 11, 2012, Ms. Hinton began experiencing bleeding, extreme pain, and seizures. She was rushed to a hospital emergency room where it was discovered that her left fallopian tube had already detached from the uterus and ruptured due to the undiagnosed cornual pregnancy in which a heartbeat was discovered by hospital staff.

Ms. Hinson experienced symptoms of impending hemorrhagic shock from severe blood loss, which has pooled inside the peritoneal cavity. She also suffered bleeding into her fallopian tubes.

Ultimately, doctors removed her fallopian tubes and part of her ovaries due to the injuries incurred when her cornual pregnancy ruptured. At age 29, she was left unable to bear another child.

Ms. Hinson obtained legal representation and filed a medical malpractice suit referenced above (*Hinton v. Blank*). It was later found that Dr. Blank did not maintain medical malpractice insurance, neither did he inform Ms. Hinton that he did not have malpractice insurance prior to her surgery as required by law.

### **Allegations**

I allege that Dr. Blank committed the following violations in his conduct concerning Ms. Hinton:

**1. Failure to provide an adequate standard of patient care.**

Section 4731-18-01(A)(1): “Standards for surgery. The surgeon of record in an operative case shall personally: Evaluate the patient sufficiently to formulate an appropriate preoperative diagnosis.”

Dr. Blank was aware of the possibility that Ms. Hinton suffered an extra-uterine pregnancy, yet failed to diagnose it after two ultrasounds and after having done a surgical abortion that did not remove any fetal tissue. Blank never informed Ms. Hinton that there was no fetal tissue removed during the procedure. As a result, Ms. Hinton suffered severe pain, permanent injury, and infertility.

**2. Failure to maintain medical malpractice insurance.**

Dr. Blank was negligent in that he failed to maintain medical malpractice insurance coverage, as required in Ohio by law.

**3. Failure to notify Ms. Hinton prior to surgery, in accordance with the law, that he failed to maintain medical malpractice insurance coverage.**

Section 4731.22(B)(30): “Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file.”

Section 4731.143(A): Notice of lack of coverage of medical malpractice insurance. Each person holding a valid certificate under this chapter authorizing the certificate holder to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, who is not covered by medical

malpractice insurance shall provide a patient with written notice of the certificate holder's lack of that insurance coverage prior to providing nonemergency professional services to the patient. The notice shall be provided alone on its own page. The notice shall provide space for the patient to acknowledge receipt of the notice, and shall be in the following form:

"N O T I C E: Dr. .... (here state the full name of the certificate holder) is not covered by medical malpractice insurance. The undersigned acknowledges the receipt of this notice.

.....  
(Patient's Signature)

.....  
(Date)" The certificate holder shall obtain the patient's signature, acknowledging the patient's receipt of the notice, prior to providing nonemergency professional services to the patient. The certificate holder shall maintain the signed notice in the patient's file.

Dr. Blank failed to notify Ms. Hinton that he failed to maintain medical malpractice insurance. He failed to obtain her signature on the state-mandated form, and failed to maintain a signed copy in Ms. Hinton's patient file.

These violations all qualify for disciplinary action.

### Prayer

I ask that you carefully investigate these matters and impose whatever sanctions are appropriate on Dr. Blank, up to and including license suspension and revocation, in order to protect the public from further harm from his negligent behavior.

Sincerely,



Cheryl Sullenger  
Senior Policy Advisor

(Enclosures)

IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS  
COLUMBUS, OHIO  
CIVIL DIVISION

LACRESHA HINTON  
955 SOUTH 22<sup>ND</sup> STREET  
COLUMBUS, OH 43206

PLAINTIFF,

VS.

DOWNTOWN GYNECOLOGISTS, INC.  
C/O ARNOLD S. WHITE, STAT. AGENT  
1335 DUBLIN ROAD #201C  
COLUMBUS, OH 43215

AND

HARLEY BLANK  
1243 EAST BROAD STREET  
COLUMBUS, OH 43205

AND

JOHN DOE CORPORATION  
ADDRESS UNKNOWN

DEFENDANTS.

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

COMPLAINT

JURY DEMAND ENDORSED  
HEREON

COMPLAINT

Now comes the Plaintiff, Lacresha Hinton, by and through counsel, and makes the following allegations and Complaint against Defendants Harley Blank, Downtown Gynecologists, Inc., and John Doe Corporation:

JURISDICTION, VENUE AND PARTIES

1. Plaintiff Lacresha Hinton (hereinafter "Plaintiff") is an individual residing in Franklin County.

2. Defendant Harley Blank is a licensed medical professional operating out of Founder's Women's Health Center, which is located in Franklin County at 1243 East Broad Street, Columbus, Ohio 43205.
3. Defendant Downtown Gynecologists, Inc. is an Ohio corporation, and the owner of Founder's Women's Health Center, which is in Franklin County at 1243 East Broad Street, Columbus, Ohio 43205. "Founder's Women's Health Center" is the trade name that Defendant Downtown Gynecologists, Inc. has registered with the Ohio Secretary of State's office.
4. Defendant Downtown Gynecologists, Inc. and/or John Doe Corporation is the employer of Harley Blank.
5. Venue in this Court is proper under Ohio Civ. R. 3(B) because the events giving rise to these claims occurred in Franklin County. Jurisdiction is proper in the Franklin County Court of Common Pleas.

#### FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

6. On or about December 1, 2012, Plaintiff went to Downtown Gynecologists, Inc. d/b/a Founder's Women's Health Center for an abortion. She met with Harley Blank. She was given a "pre-operative consultation" and an ultrasound. She was initially told she may have an ectopic pregnancy. She was then told that she had a pregnancy in her uterus. She was scheduled for a surgical abortion procedure on December 4, 2012.
7. On or about December 4, 2012, Plaintiff returned for the second portion of her abortion procedure – the surgical portion. She was again given an ultrasound. Harley Blank denied that Plaintiff had an ectopic pregnancy. Plaintiff was

again told that she had a pregnancy in her uterus. Based on that information and diagnosis by Dr. Harley Blank and agents of Downtown Gynecologists, Inc. d/b/a Founder's Women's Health Center, Defendants went through the motions of an abortion. No abortion was actually done, because the pregnancy was cornual. Plaintiff returned to her home thinking that the pregnancy had been terminated by the abortion.

8. However, there was at least one cornual ectopic pregnancy, and Dr. Harley Blank failed to properly diagnose this and failed to properly advise Plaintiff of her true medical condition. In fact, Dr. Harley Blank had assured Plaintiff on December 4<sup>th</sup>, 2012, prior to the abortion, that there was no ectopic pregnancy, dismissing any concerns raised on the December 1<sup>st</sup> visit. Dr. Harley Blank was aware that the possibility of an ectopic pregnancy existed and yet he failed to exercise due diligence and care in ensuring a proper diagnosis of Plaintiff, and in providing proper medical care and treatment of Plaintiff.
9. On December 11, 2012, Plaintiff suddenly experienced bleeding, extreme pain, and seizures. Plaintiff was rushed by ambulance to the hospital. Upon arrival, the left fallopian tube was already detached from the uterus. The Plaintiff was exhibiting signs of impending hemorrhagic shock, including low blood pressure and fainting.
10. At the hospital, an examination of Plaintiff revealed, among other things, a gestational sac in the left adnexa which demonstrated a heartbeat and fetal pole, compatible with a cornual ectopic pregnancy.

11. Ultimately, Plaintiff was diagnosed with a ruptured cornual pregnancy, right hemoperitoneum, and right hematosalpinx. Plaintiff was also diagnosed with anemia due to acute blood loss.
12. The hospital doctors removed both fallopian tubes (salpingectomy) and part of the ovaries due to the massive damage caused by the rupturing of the ectopic pregnancy. In addition, Plaintiff experienced considerable pain and suffering.
13. Plaintiff was 29 years of age at the time. She will not be able to bear future children because of Defendants' actions. She suffered, and continues to suffer from, medical, vocational, and economic challenges as a result of this.
14. Defendants owed a duty to Plaintiff to properly examine Plaintiff, to properly diagnose Plaintiff, to take appropriate precautions for an ectopic pregnancy given the knowledge Defendants possessed, and to properly provide medical care and treatment to Plaintiff. Defendants owed a duty to warn Plaintiff of the concerns regarding an ectopic pregnancy, and to operate by the proper standards of diagnosis and treatment. Defendants had a duty to ensure that any abortion met the proper standards of care. Defendants deviated from these duties, causing damage to Plaintiff which was foreseeable. This breached the standard of care. The affidavits required pursuant to Ohio Rules of Civil Procedure 10(D) are attached and incorporated by reference.

#### FIRST CAUSE OF ACTION – MEDICAL MALPRACTICE

15. Plaintiff incorporates by reference paragraphs 1 through 14, above, as if fully rewritten herein.

16. There was at least one ectopic pregnancy, and, despite two ultrasounds and indications that Plaintiff may have had an ectopic pregnancy, Dr. Harley Blank, as the licensed medical professional for Plaintiff, failed to properly diagnose Plaintiff and her actual medical condition, including her ectopic pregnancy.

17. Dr. Harley Blank dismissed any concerns raised on the December 1<sup>st</sup> visit, and failed to properly examine, diagnose and treat Plaintiff. Instead, Dr. Harley Blank failed to diagnose and treat the ectopic pregnancy of Plaintiff and instead performed a surgical abortion for an intrauterine pregnancy. He merely went through the motions of an abortion. The pregnancy was actually in the interstitial part of the tube in the right cornua and was not removed by the abortion procedure. Defendants Downtown Gynecologists, Inc. d/b/a Founder's Women's Health Center and Dr. Harley Blank had a duty to diagnose Plaintiff and provide proper medical care and treatment, but Defendants deviated from that duty and breached the standard of care, causing damage to Plaintiff which was foreseeable. As a direct and proximate cause of the Defendants' breach of the duty owed to Plaintiff and the standard of care, Plaintiff suffered serious, foreseeable and avoidable injuries and damages.

18. Based on the above, Defendant Harley Blank has committed medical malpractice. The affidavits required under Ohio Rules of Civil Procedure 10(D) are attached.

SECOND CAUSE OF ACTION – NEGLIGENT INFLECTION  
OF EMOTIONAL DISTRESS

19. Plaintiff incorporates paragraphs 1 through 18 above, as if fully rewritten herein.
20. Based on the above, all three Defendants have committed negligent infliction of emotional distress against Plaintiff, either by their own actions and/or under respondeat superior.

THIRD CAUSE OF ACTION – INTENTIONAL INFLECTION  
OF EMOTIONAL DISTRESS

21. Plaintiff incorporates paragraphs 1 through 20 above, as if fully rewritten herein.
22. Based on the above, Dr. Harley Blank's actions were intentional and/or reckless, and therefore Defendants have committed intentional infliction of emotional distress against Plaintiff, either by their own actions and/or under respondeat superior.

FOURTH CAUSE OF ACTION – NEGLIGENCE

23. Plaintiff incorporates paragraphs 1 through 22 above, as if fully rewritten herein.
24. Based on the above, Defendants Downtown Gynecologists, Inc., John Doe Corporation, and/or Dr. Harley Blank have committed negligence.

FIFTH CAUSE OF ACTION – FAILURE TO WARN

25. Plaintiff incorporates paragraphs 1 through 24, above, as if fully rewritten herein.

26. Based on the above, all three Defendants have committed the tort of failure to warn, as the results of the Defendants' actions were clearly not explained nor disclosed as a result of the abortion procedure.

27. Further, based on the above, Defendants should have warned Plaintiff of the risks of her ectopic pregnancy. Instead, they assured Plaintiff that she did not even have an ectopic pregnancy.

#### SIXTH CAUSE OF ACTION – NEGLIGENT SUPERVISION

28. Plaintiff incorporates paragraphs 1 through 27 above, as if fully rewritten herein.

29. Base on the above, Defendants John Doe Corporation and/or Downtown Gynecologists, Inc. has committed negligent supervision by not properly supervising the work of Harley Blank.

#### SEVENTH CAUSE OF ACTION – RESPONDEAT SUPERIOR

30. Plaintiff incorporates by reference paragraphs 1 through 29, above, as if fully rewritten herein.

31. Plaintiff alleges that Defendant(s) Downtown Gynecologists, and/or John Doe Corporation, is the employer of Dr. Harley Blank.

32. Accordingly, Plaintiff claims malpractice against Defendants John Doe and/or Downtown Gynecologists, Inc. for medical malpractice and/or negligent infliction of emotional distress and/or negligence and/or failure to warn, under the theory of respondeat superior.

WHEREFORE, Plaintiff demands judgment against Defendant for an amount not less than \$3,000,000 in compensatory and punitive damages, attorney fees, court costs,

pre and post judgment interest, and any other relief that the Court shall deem good and just.

Respectfully Submitted,

/s/ Philip W. Gerth, Esq.  
Philip W. Gerth, Esq. (0069475)  
Gerth & Skinner, LLC  
5340 East Main Street, Suite 208  
Columbus, OH 43213  
Phone: 614-856-9399  
Fax: 614-751-9973  
philipgerth@gerthskinner.com  
Counsel for Plaintiff

#### JURY DEMAND

Plaintiff hereby demands that a jury hear all issues of the within action.

Respectfully Submitted,

/s/ Philip W. Gerth, Esq.  
Philip W. Gerth, Esq. (0069475)  
Gerth & Skinner, LLC  
5340 East Main Street, Suite 208  
Columbus, OH 43213  
Phone: 614-856-9399  
Fax: 614-751-9973  
philipgerth@gerthskinner.com  
Counsel for Plaintiff

AFFIDAVIT OF MERIT BY WILLIAM THEODORE STALTER, M.D.

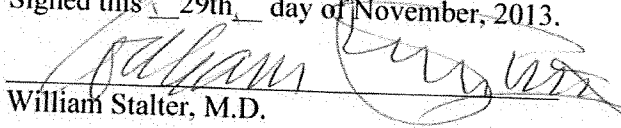
STATE OF OHIO                     )  
  )  
COUNTY OF MONTGOMERY        )

I, William Theodore Stalter, M.D., duly sworn according to law, do hereby state the following:

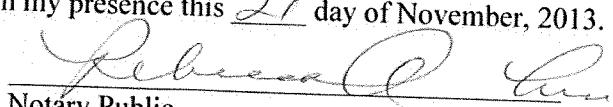
1. I am licensed to practice medicine by the State Medical Board of Ohio. I have been licensed to practice medicine in Ohio since July 31, 1967.
2. I am Board Certified by the American Board of Obstetrics and Gynecology.
3. From 1999 until October 2013, I served as Medical Director at Miami Valley Women's Center. Prior to that time, I was part of the attending staff at Miami Valley Hospital and served in various capacities there including Chief of the Medical Staff, Chairman of the Ob/Gyn Department, and on the Board of Trustees. I am a past President of the Montgomery County Medical Society.
4. I have reviewed the medical records reasonably available to Lachesha Hinton concerning the allegations contained in the Complaint.
5. I am familiar with the applicable standard of care required in cases such as this.
6. It is my opinion that the Defendant named in the Complaint, Dr. Harley Blank, breached the standard of care by failing to provide proper medical care and treatment to Ms. Hinton, relative to the allegations contained in the Complaint.
7. This breach of the standard of care by Dr. Harley Blank caused injury to Ms. Hinton.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed this 29th day of November, 2013.

  
William Stalter, M.D.

Sworn to before me and subscribed in my presence this 29 day of November, 2013.

  
Notary Public

Rebecca A. Lee  
Notary Public - Ohio

My Commission Expires 03/02/2016

