

**BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE**

**IN RE: KERMIT B. GOSNELL, MD : Case No.: 10-36-10**

**LICENSE NUMBERS: C1-0004304 and MD 2534**

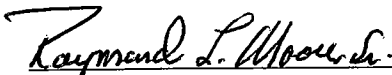
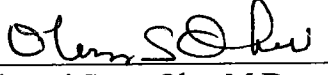
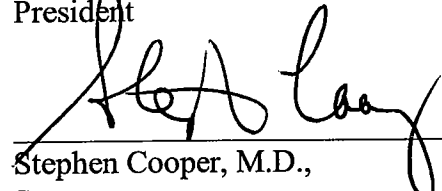
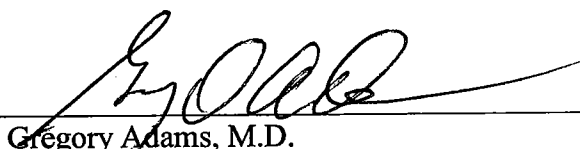
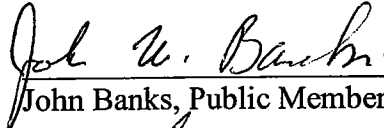
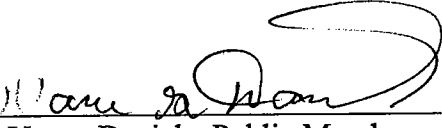
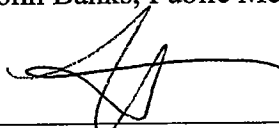
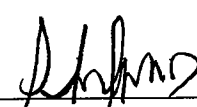
**PUBLIC ORDER**

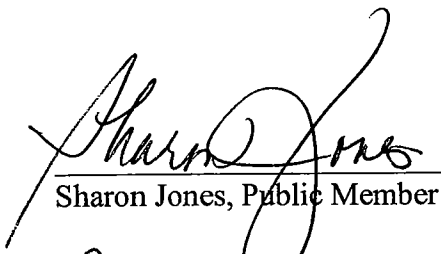
WHEREAS, the Board of Medical Practice ("Board") has reviewed the attached Consent Agreement and enters it now as an Order of the Board. The Certificate to Practice Medicine (C1-0004304) and Certificate for Controlled Substances (MD 2534) issued to Kermit B. Gosnell, M.D., are hereby temporarily suspended and the additional terms and conditions specified in the Consent Agreement are entered as the Order of the Board.

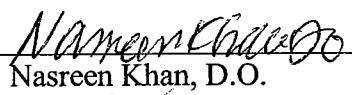
Pursuant to 24 Del.C. § 1735 a copy of this Order shall be served by certified mail, return receipt requested, upon Kermit B. Gosnell, M.D.

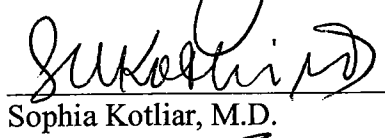
SO ORDERED this 2<sup>nd</sup> day of March, 2010.

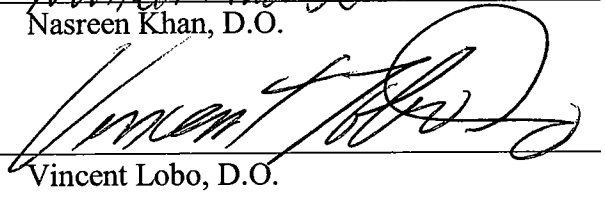
**BOARD OF MEDICAL PRACTICE**

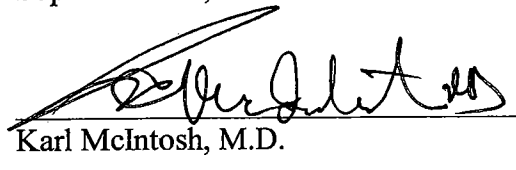
 Raymond L. Moore, Sr., Public Member, President	 Oluseyi Senu-Oke, M.D., Vice-President
 Stephen Cooper, M.D., Secretary	 Gregory Adams, M.D.
 John Banks, Public Member	 Vance Daniels, Public Member
 Thomas Desperito, M.D.	 Galicano Inguito, M.D.

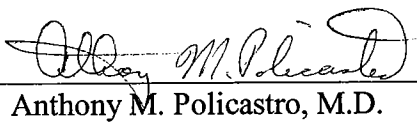
  
Sharon Jones, Public Member

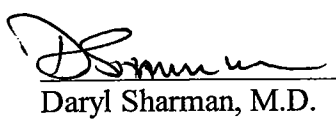
  
Nasreen Khan, D.O.

  
Sophia Kotliar, M.D.

  
Vincent Lobo, D.O.

  
Karl McIntosh, M.D.

  
Anthony M. Policastro, M.D.

  
Daryl Sharman, M.D.

Date Mailed: 3/03/10

**BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE**

**IN RE: KERMIT B. GOSNELL, MD : Case No.: 10-36-10**

**LICENSE NUMBERS: C1-0004304 and MD 2534**

**CONSENT AGREEMENT**

A written Complaint has been filed with the Board of Medical Practice ("Board") alleging that Kermit B. Gosnell ("Dr. Gosnell"), a licensed medical physician and holder of a registration for controlled substances in the State of Delaware, has engaged in conduct which constitutes grounds for discipline under 24 *Del.C. C. 17*.

Dr. Gosnell, the State by the undersigned Deputy Attorney General, and the Board hereby enter into this Consent Agreement without the necessity of a formal disciplinary hearing and administrative prosecution before the Board pursuant to 24 *Del.C. Ch. 17* and 29 *Del.C. Ch. 101*.

**IT IS UNDERSTOOD AND AGREED THAT:**

1. Dr. Gosnell is a licensed medical doctor and is registered to prescribe controlled substances in the State of Delaware. His medical license, number C1-<sup>0004304</sup>~~004285~~, and his controlled substance registration, number MD 2534, are active. His address is [REDACTED] [REDACTED], Philadelphia, PA 19104.

2. The State of Delaware has alleged that Dr. Gosnell has violated the provisions of 24 *Del.C. § 1731(b)*.

3. On February 22, 2010, the Commonwealth of Pennsylvania temporarily suspended Dr. Gosnell's Pennsylvania medical license

4. Dr. Gosnell, the State, and the Board agree that Dr. Gosnell's medical license and registration for controlled substances will be temporarily suspended as of the date the Board

accepts this Consent Agreement. Dr. Gosnell will produce his medical license and his registration for controlled substances and turn over all controlled substances he possesses in the State of Delaware, if any, to the Director of the Office of Controlled Substances by noon on March 5, 2010.

5. At anytime, Dr. Gosnell may submit a written request to the Board's Executive Director for a full hearing on the State's Complaint and such hearing will be scheduled to be held within forty-five days of the date of his request. Dr. Gosnell's temporary suspension will not terminate unless so ordered by the Board.

6. Dr. Gosnell acknowledges that he is waiving his right under 24 *Del.C.* Ch. 17 and 29 *Del.C.* Ch. 101 to a disciplinary hearing before the Board prior to the temporary suspension of his license and registration. Dr. Gosnell acknowledges that he is waiving his rights to a hearing within 60 days unless he so request in writing. Dr. Gosnell acknowledges that he is waiving his right to a hearing within sixty days unless he so requests in writing. By way of this agreement, Dr. Gosnell does hereby preserve any due process arguments or rights he has now or in any future proceedings.

7. Dr. Gosnell acknowledges and agrees that he has carefully read and understands this Consent Agreement and that he is entering into this Consent Agreement freely, knowingly, voluntarily, and after having the opportunity to receive the advice of counsel.


8. Dr. Gosnell further agrees and acknowledges that in the event the Board determines not to accept this Consent Agreement, neither he nor anyone on his behalf will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint on the basis of the Board's prior


consideration of this proposed Consent Agreement. In addition, if the Board does not accept the Consent Agreement, the Agreement and its provisions will not be referred to at any hearing, admitted into evidence, or considered to be an admission as to any of the facts alleged in the State's Complaint.

9. Dr. Gosnell, the State, and the Board agree that Dr. Gosnell does not admit the conduct alleged in the State's Complaint and that no inference of guilt is evidenced or implied by the terms of this Agreement.

10. Dr. Gosnell understands that this Consent Agreement will become a public document if accepted by the Board and that the Board will report the Consent Agreement and the Board's Order accepting the Agreement to the licensing authority of any other state in which he is licensed to practice and to national databases which collect information on disciplinary actions.


11. This Consent Agreement shall be effective upon acceptance by the Board of Medical Practice.

  
Kermit B. Gosnell, MD  
Dr. Gosnell

  
Gayle L. MacAfee, M.S.  
Executive Director  
Delaware Board of Medical Practice

Dated: March 2, 2010

Dated: 3-02-2010

  
Barbara J. Gadbois, Esquire  
Deputy Attorney General  
Department of Justice

3-2-10