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HEALTH

Maryland suspends licenses of 3 abortion clinics

By **BY ANDREA K. WALKER** and **THE BALTIMORE SUN**
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State health officials have suspended surgical abortion procedures at three clinics, including one in Baltimore where a patient suffered cardiac arrest and later died at a hospital.

The physician who performed the abortion at Associates in OB/GYN Care LLC on North Calvert Street wasn't certified in CPR and a defibrillator at the facility did not work, state officials said in a letter Friday to the General Assembly.

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The new rules require abortion clinics to be licensed and undergo inspections by the Maryland Department of Health and Mental Hygiene. Clinics face a fine or shutdown for violations related to anesthesia, emergency services, lab work and other areas.

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The recent actions come as lawmakers have criticized the health department for taking too long to implement the new regulations after the death of a New York teacher at an abortion clinic in Germantown in February.

Health Secretary Joshua M. Sharfstein said the department is proceeding on the schedule it originally proposed, which called for issuing licenses in early 2013, followed by inspections. He said the system is working as it should.

"These new regulations aim to protect the health and safety of patients," Sharfstein said, "and as our actions this week demonstrate, we will suspend operations if necessary in order to make sure the critical needs of patients are met."

The other two clinics that lost surgical privileges, located in Landover and Silver Spring, also are owned by Associates in OB/GYN Care and also had licenses suspended for issues related to the ability to respond to life-threatening problems during surgery.

Investigators observed a patient at the Silver Spring clinic who was left alone for three minutes after waking up, leaving her at risk of falling and injuring herself. At the Landover location, the nurse did not know how to use the defibrillator or suction machine. The pads on the defibrillator machine also had expired.

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The clinics will be able to perform abortions again once they correct the problems,

A spokeswoman for the clinics said they had corrected the problems and submitted a plan of correction Friday that awaits approval by the DHMH. The workers have been trained in all emergency procedures and the equipment repaired, said the spokeswoman Bridget Wilson.

Wilson said the doctor at the Baltimore facility knew CPR but had let her certification lapse.

"Our doctor in Baltimore has been certified in CPR in the past and knows how to administer it," she said.

The state's Board of Physicians and Office of Health Care Quality are investigating the doctor's actions further, Sharfstein said.

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Wilson said the clinics hope to have their licenses restored soon. In the meantime, the clinics still perform non-surgical abortions and general OB/GYN services. Non-surgical abortions use a drug and must be done early in pregnancy.

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"We feel that our facilities are highly safe and a good place for patients to come and feel comfortable," Wilson said. "All of our doctors are board-certified."

The state has licensed 16 surgical abortion clinics under the new regulations, and Sharfstein said the others had no safety issues that would require a shutdown. He said the inspection process will continue through the spring.

"The professional surveyors of the department will shut down clinics they believe to be a risk," Sharfstein said. "If they believed these other clinics were a risk, they would have shut them down, too."

The state health department began looking at the possibility of new guidelines in 2010 after a New Jersey doctor was accused of improperly providing abortions at the American Women's Services clinic in Elkton. The doctor routinely began abortion procedures at his offices in New Jersey and completed them in Maryland, according to a 2010 New Jersey order suspending his medical license there. In one case, a patient suffered a ruptured uterus and other internal injuries during the procedure.

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Charges against the doctor were dropped by the Cecil County state prosecutor because he could not find enough evidence to demonstrate where the procedures

occurred. The Elkton clinic is no longer listed on the website of American Women's Services.

The facilities penalized by the state this week are listed on the website of American Women's Services, but Wilson said the clinics are owned by Integrity Health in

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"Associates in OB/GYN Care addresses are listed on the American Women's Services because they help with our online presence and other marketing efforts," Wilson said in an email.

State health officials were criticized in a letter by members of the Maryland House of Delegates last month for not inspecting and licensing new facilities quickly enough. The criticism came after a New York teacher died Feb. 7 at Shady Grove Adventist Hospital after an abortion at Germantown Reproductive Health Services.

The state medical examiner eventually ruled that 29-year-old Jennifer McKenna Morbelli died from amniotic fluid that had leaked into the bloodstream, a complication of the abortion. But the autopsy didn't find negligence by the doctor.

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Still, the incident raised questions about the clinic and its doctors. Some questioned why the clinic wasn't immediately shut down and inspected more quickly.

Sharfstein said Friday that inspections found no safety reasons to close the facility.

Del. Nicholas Kipke, an Anne Arundel County Republican on the House Health & Government Operations Committee, was lead writer of the letter signed by 16 other members.

Kipke said the Germantown facility is being investigated further by the state. He said he was glad to learn Maryland clinics were being inspected because the regulations only work with enforcement.

"Some of these operations are really reminiscent of the back-alley abortions we had in the old days," Kipke said. "Whether you are pro-choice or pro-life, I think everyone should agree if abortion is going to be allowed, it should be safe, and Maryland is moving forward with that by making sure clinics are held to the highest

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The letter from lawmakers also questioned whether the department was looking into clinics that advertised abortions, but had not gotten licenses.

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Sharfstein said Friday that identifying unlicensed clinics is part of the process.

Jeffrey Meister, a lobbyist for anti-abortion group Maryland Right to Life, said his organization supported regulations that would have been more stringent, but agreed that what is in place will better protect women.

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"The regulations were put in place by DHMH specifically for the health and safety of women," he said.

An earlier version contained incorrect information about where the Baltimore

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