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ABORTION DOCTOR GUILTY OF MURDER

By LYNETTE HOLLOWAY

NY Times 8/9/1995

A Queens obstetrician was convicted of second-degree murder yesterday in the death of a woman who went to him for an abortion, making him the first doctor in New York State found guilty of murder stemming from the medical mistreatment of a patient.

Dr. David Benjamin faces 25 years to life in prison in the death of the woman, Guadalupe Negron, 33, who bled to death two years ago in the doctor's storefront clinic in Corona, Queens, after the bungled abortion, which occurred as Dr. Benjamin was appealing the revocation of his license.

In the murder charge, Dr. Benjamin was accused of "showing depraved indifference to human life." He had also been charged with reckless manslaughter and criminally negligent homicide in Mrs. Negron's death. Both charges would have involved lesser terms.

Usually such cases of medical wrongdoing are played out in malpractice civil suits, but the Queens District Attorney, Richard A. Brown, said that Dr. Benjamin's incompetence and disregard for the patient were so reprehensible that he decided to pursue a murder charge.

Testimony showed that Dr. Benjamin, 58, performed a complicated, late-term abortion that he did not have the skills to do, and that he misled

emergency workers who arrived at the scene, playing down the severity of the woman's condition.

"This case represents a double tragedy," Mr. Brown said after the verdict was announced. "Firstly, there is the tragedy of Guadalupe Negron's unnecessary death as a result of David Benjamin's gross incompetence and depraved indifference. But equally tragic is the fact that the facility cut corners for monetary gain at the expense of the lives of its patients, who oftentimes were poor and uneducated."

There has been only one other case nationwide of a doctor being convicted of murder in the death of a patient, Mr. Brown said. In 1989 in California, Dr. Milos Klvana was convicted in the deaths of eight infants and a fetus for his actions in trying to deliver babies at home.

As yesterday's verdict was read, there was initially blunt silence in the packed Queens courtroom; that was abruptly broken up by the wailing of Dr. Benjamin's wife, Jacqueline Bonrouhi, and her mother. His defense lawyer, Brad Leventhal, said he planned to appeal the decision.

But the jury, comprising five women and seven men, took only about two hours to decide Dr. Benjamin's fate. Discussing their decision on the steps of State Supreme Court in Jamaica, Queens, afterward, many said they were appalled by the doctor's arrogance when he testified in his own defense, and his denial of the fact that he was not a good doctor despite his actions.

"I felt he should never have taken on this operation," said Violet Roberson, one juror. "He was guilty, but he felt he wasn't. On the past complaints about him as a doctor, he felt he was right at every turn and never tried to correct them. He was arrogant and displayed a 'don't care' attitude."

Another juror, Lanice Jones, who served as the forewoman, said: "It was quite a quick decision. The pictures of his clinic were disgusting. The inside was very unsanitary. He knew she was 19 weeks pregnant. Why did he perform a second-trimester abortion?"

The issue that clinched the jurors' decision, Ms. Jones said, was listening to the tapes of the 911 calls the doctor's wife, an office aide, made for help.

"Throughout the trial, his lawyer said Dr. Benjamin didn't know the woman had died," she said. "But when we listened to the tape, we clearly heard his wife say, 'She's dead! She's dead!' "

Spokesmen and spokeswoman for both sides on the usually divided issue of abortion praised the verdict, calling the doctor's former office a Medicaid mill that preyed on poor immigrant women.

"We want him to get the most serious penalty possible," said Kelli Conlin, executive director of the New York State affiliate of the National Abortion and Reproductive Rights Action League. "No woman should ever have to face an unsafe abortion in this day and age. That being said, it is important to note that abortion is still one of the safest medical procedures."

Michele Allen, a spokeswoman for the National Right to Life Committee, which opposes abortion, said Dr. Benjamin “deserved to be convicted of murder.”

“Unfortunately,” she said, “women are treated in a substandard manner when they seek what are touted as safe, legal abortions.”

During the trial, the prosecution said that during the removal of Mrs. Negron’s 19- to 20-week-old fetus at the Metro Women’s Clinic on July 9, 1993, Dr. Benjamin caused a three-inch tear in the woman’s uterus and vagina, and then left her to bleed to death in the recovery room while he performed an abortion on a second woman.

The doctor testified that he made a mistake calculating the gestation period of the fetus, thinking it was 13 weeks old, an age when an abortion is considered much easier to perform. The doctor said he discovered the mistake after the abortion procedure was under way, but decided to finish the job because he believed it would pose less danger to the patient than sending her to the hospital halfway through the procedure.

But it was revealed during a cross-examination that Dr. Benjamin had performed a sonogram, which allowed him to determine the exact gestation period of the fetus. The main prosecutor, Barry A. Schwartz, the chief assistant district attorney for Queens, maintained throughout the trial that Dr. Benjamin tried to cover up the mistake by telling paramedics who arrived at the scene that Mrs. Negron had suffered only a cardiac arrest.

The incident came at time when the doctor’s license was in the process of being revoked. His license was revoked in June 1993 for “gross incompetence and negligence” in five other cases. During an appeal of the revocation, he was allowed to continue practicing, and Mrs. Negron, a Honduran immigrant, died during that time.

Even before that, Dr. Benjamin’s license had been suspended for his actions in other cases: in 1986, as he practiced under the name of Elyas Bonrouhi, the state suspended his license for three months based on 38 counts of negligence and incompetence.

Dr. Benjamin also faces a civil suit filed by Mrs. Negron’s family.

Kieron Nisbet

**PLANNED PARENTHOOD METROPOLITAN *
WASHINGTON, D.C., INC.**

Herbert Schwarz MD

Steven Bringham, MD

Ann Marie Campbell, M.D.

License # MA048034

362 Morris Avenue

Mountain Lakes, NJ 07046-1653

University of Pennsylvania, 1982

National Boards

CONSENT ORDER filed January 4, 2007. This matter was opened to the Board upon the filing of an Administrative Complaint on January 14, 2005. An Answer was filed on March 2, 2005 and the matter was transmitted to the Office of Administrative Law(OAL) where it was docketed with the Honorable Irene Jones, A.L.J. Upon review of available information, including Dr. Campbell's testimony and the relevant medical records, the Board found that on August 30, 2002, Dr. Campbell undertook to provide medical care to K.G. who was seen solely by her Nurse Practitioner. Based on her physical examination and the patient's reported last menstrual period, the **Nurse Practitioner estimated that K.G. was six to eight weeks pregnant. Dr. Campbell scheduled a termination of pregnancy on September 7, 2002.** On that date, Dr. Campbell did not conduct a physical exam on K.G. prior to anesthetization, and instead relied on a prior physical examination conducted by the Nurse Practitioner. Dr. Campbell performed a bimanual pelvic exam, and discovered a pelvic mass she suspected might be a large fibroid or a missed pregnancy, but did not conduct any further examination. Dr. Campbell proceeded with the procedure and observed significant amounts of fluid indicating the pregnancy was far more advanced than was originally concluded. **K.G. was transferred to a hospital where it was discovered that she was actually 27 to 31 weeks pregnant.** On September 10, 2002, Dr. Campbell delivered K.G. a viable male infant. After reviewing K.G.'s record, Dr. Campbell noted that she had not offered the patient HIV testing and ordered an HIV test on September 12, 2002, where the hospital staff advised her that K.G.'s HIV screening was positive. The Board ordered and **Dr. Campbell agreed to her license to practice medicine be suspended for three months,** all of which is to be served as an active suspension, commencing on January 1, 2007. On January 1, 2007, Dr. Campbell will cease and desist from engaging in any function or service which falls Board Actions Summary January 2007 Page – within the scope of medicine. She may apply for reinstatement of her license at the conclusion of the suspension and at that time, demonstrate to the Board that she is fit, competent and sufficiently rehabilitated to re-enter the medical practice. A penalty in the amount of \$2,500.00 and costs in the amount of \$30,306.50 were assessed. If the Board determines her license should be restored, she will be placed on probation with conditions and restrictions to be determined. Dr. Campbell will within eight months of the entry of this Order take and complete the following remedial education: an in-person preceptorship for a minimum of at least two weeks in duration in abortion practice; a Category I Continuing Medical Education course in HIV and Pregnancy; a Category I Continuing Medical Education course in Obstetric Ultrasound, with all courses approved in advance by Dr. Blanks, the Medical Education Director of the Board. EFFECTIVE DATE: December 26, 2006.

Dr. REFFAT K. ABOFREKA, M.D.

In March 2006, the Board received an investigative report from the Enforcement Division of the Department of Health Professions alleging Dr. Abofreka made an error which caused him to cease a procedure for the termination of pregnancy of a patient. After considering this report and prior reports of inadequate prenatal care by Dr. Abofreka, the Board summarily suspended his medical license and instituted proceedings for

an administrative hearing. The following month, a panel of the Board held a formal evidentiary hearing and received testimony from several expert witnesses addressing Dr. Abofreka's practices and procedures concerning "Patient A," "Patient B," and "Patient C." Dr. Abofreka offered his own expert witness and also testified on his own behalf. The Board indefinitely suspended Dr. Abofreka's medical license for not less than eighteen months from the date of entry of its order.

Abortionist Hamid Sheikh

Gynecologist's medical license suspended

INQUIRY ALLEGES IRREGULARITIES IN LEXINGTON DOCTOR'S PRACTICE

By Valarie Honeycutt Spears

Lexington herald-leader.6/26/2008

In an emergency order, the Kentucky Board of Medical Licensure has suspended the license of Lexington gynecologist Hamid Sheikh to practice medicine. An investigator for the Attorney General's office reported that she found expired medications, unsanitary conditions, and missing or inoperable equipment in the office of Sheikh, **who has performed abortions at his Lexington office since 1975.**

In November, Sheikh was indicted in Franklin Circuit Court on four counts of defrauding Medicaid, the government health insurance program for the poor. Specifically, he is alleged to have submitted false billing statements to Medicaid since 2004, disguising abortions as ultrasounds for normal pregnancies and illegally charging Medicaid patients.

One Medicaid investigator, a nurse, found "medical care standards dramatically out of compliance" in Sheikh's office, according to documents that accompanied the medical board's June 5 order.

And a Medicaid fraud agent told the board that seven patients reported "highly negative experiences, commonly involving a lack of medication and being told by the licensee not to scream during the procedure."

One patient told investigators that Sheikh "took no history, vitals, nor did he verify her pregnancy," according to board documents.

"She was given a Valium for the pain During the procedure the pain was unbearable and she fought them and kicked over a tray. After the procedure she was given a stained sheet to cover herself with."

Sheikh could not be reached for comment Wednesday.

But according to medical board documents, Sheikh told investigators that both his billing and medical practices were sound.

And in a November 2007 Herald-Leader interview, Sheikh said his arrest on the Medicaid charges was motivated by the politics of abortion.

Sheikh told the Herald-Leader that he billed the ultrasounds to Medicaid, which normally covers them. If a woman decided to continue the pregnancy, he said, he provided prenatal care. Otherwise, he said, he performed the abortion the same day and charged the woman \$400 for it.

A hearing before the state Board of Medical Licensure is scheduled for November on the matter of Sheikh's license.

James Scott Pendergraft, MD

Location: Orlando, Fla.

License#: 0000-28301 | Specialty: OB/GYN (as reported by physician)

Cause: On August 10, 2006, the Florida Board of Medicine issued an emergency order suspending Dr.

Pendergraft's Florida medical license, alleging that Dr. Pendergraft performed a third trimester abortion in violation of Florida law. Allegations against Dr. Pendergraft were presented at an administrative hearing, which resulted in a final order that was adverse to Dr. Pendergraft. That order is now on appeal.

Action: 07/09/2008. Interim consent order executed. Dr. Pendergraft agrees that he shall not practice medicine in North Carolina without prior written approval from the Board.

Abortionist Earl N. McLeod, MD – abortion related death**Derek Q. Chapman MD**

License #MA059581

9 Chelsea Court

Medford, NJ 08055-4039

Jefferson Med Coll, 1991

National Boards

CONSENT ORDER filed November 7, 2007. This matter was opened before the Board upon receipt of a report from the Medical Practitioner Review Panel setting forth findings made at the conclusion of the Panel's investigation of a payment of \$275,000 which was made to settle a medical malpractice action brought against Dr. Chapman. The malpractice action was predicated upon allegations that **Dr. Chapman negligently failed to diagnose an ectopic pregnancy, which in turn was alleged to have caused the death of a 20 year old patient, R.P., who expired after the ectopic pregnancy ruptured.** Upon review of available information, **the Panel found R.P. presented to the emergency room on November 13, 2000, with complaints of abdominal cramps and vomiting; hypotensive with lower abdominal pain; a positive pregnancy test; and was status post an elective abortion in September 2000.** Dr. Chapman was called to evaluate R.P. and was then informed that she had a possible ectopic pregnancy. Dr. Chapman took a history and performed a pelvic and abdominal examination of the patient while she was in the ultrasound department. Dr. Chapman did not obtain R.P.'s vital signs when he examined R.P. and failed to adequately review her medical record. Dr. Chapman observed the ultrasound images, and saw what he then believed to be an empty gestational sac. **Dr. Chapman reported his observation to an attending physician, but did not follow-up or obtain the official report of the radiologist, which stated that "an ectopic pregnancy was certainly a possibility."** Dr. Chapman made a differential diagnosis of early pregnancy, blighted ovum or a missed abortion, and R.P. was thereafter discharged. R.P. returned to another hospital 10 hours later in cardiac arrest and hemorrhagic shock secondary to a ruptured right ectopic pregnancy with hemoperitoneum. R.P. could not be stabilized and expired. The Panel concluded that Dr. Chapman was grossly negligent in his provision of care to R.P. The Board reviewed the

Panel's report and adopted all findings and recommendations made by the Panel, to include the Panel's finding that he engaged in gross negligence in this case. The Board ordered and Dr. Chapman agreed to be reprimanded for engaging in gross negligence in connection with his provision of care to patient R.P. and that he will pay a civil penalty in the amount of \$5,000, which will be payable in full upon entry of this Order. EFFECTIVE DATE: September 26, 2007.

Abortionist Hanan Rotem – abortion related death

Dr. Flavius Thompson

Doctor surrenders license

BY JOYCE BLAY

Staff Writer

LAKEWOOD — Obstetrician-gynecologist Dr. Flavius Thompson will not be practicing medicine in New Jersey until he has cleared his name of charges against him. The suspension of his medical license will remain in effect pending the outcome of a trial for improper disposal of medical waste at the clinic he owns on East County Line Road.

A hearing had been scheduled by the state Board of Medical Examiners on Feb. 9. However, a press release from the Division of Consumer Affairs indicated an agreement had been reached in which Thompson agreed to voluntarily surrender his license.

Thompson owns and operates the Pleasant Women's Pavilion. He was charged Jan. 19 with illegal storage of Class 4 medical waste (syringes and needles), since his license to generate medical waste had expired; causing the disposal of medical waste that included blood products, and violation of the Clean Water Act for disposing of aborted materials into the sanitary sewer system, which flows into the Metedeconk River after being treated by the Ocean County Utilities Authority.

All the criminal charges carry possible jail time and a fine if Thompson is found guilty, according to Detective Larry Doyle of the Lakewood Police Department, who investigated the matter.

In addition to improper disposal of medical waste, the administrative complaint filed by the state cited unsafe and unsanitary conditions at the clinic as well as failure to comply with certain provisions of the board's in-office anesthesiology regulations.

The Board of Medical Examiners was prepared to convene the hearing had the agreement not been reached, according to the news release.

"The allegations in our complaint against Dr. Thompson directly touch on patient safety," Attorney General Peter C. Harvey said in the release. "Any suspicion that the safety of patients may be put at risk will result in our swift action to protect the public, as demonstrated in this matter."

Acting Consumer Affairs Director Jeffrey Burstein said in the prepared statement that the Board of Medical Examiners considered failure to follow regulations and procedures serious allegations which the panel would investigate on behalf of the public.

The suspension of Thompson's license remains in effect pending the resolution of all criminal charges against him and until further order of the Board of Medical Examiners.

Thompson is represented by attorney Robert Tarver of Toms River.

The doctor's troubles surfaced after his receptionist, Lakewood resident Liza Berdiel, 24, was arrested and charged Jan. 13 with performing abortions without a medical license, Doyle said.

After Thompson noticed that his drugs were short, he became suspicious that Berdiel was performing abortions herself and pocketing his patients' cash payments, Doyle said. Thompson contacted the authorities and Berdiel was charged with injecting abortion-inducing chemicals in three women whom Doyle said were patients of Dr. Thompson.

Thompson's activities came under scrutiny by authorities after police searched the clinic on Jan. 15 and discovered that the physician also may have violated the law.

"During our investigation, we found that medical waste material was being improperly disposed of down the sanitary sewer at that location," said Doyle, referring to the toilet. "He also has a facility in Barnegat, but we have no suspicion that any further illegal activity is going on at that location at this time."

Thompson was arrested and released on his own recognizance.

A recorded message left by Thompson on the clinic's answering machine said the office would be closed until March and to call back at that time.

According to Jeff Lamm, a spokesman for the state Division of Consumer Affairs, no date has been set for an administrative hearing or to lift the suspension on Thompson's medical license. He said he did not anticipate that the matter would be resolved by March.

Marx Jean Santel, M.D.

suspended his New York medical license for one year

The Respondent MARX JEAN SANTEL, M.D. (Respondent) and the Bureau The negligence, incompetence and records charges involved the Respondent's care for eleven patients, on whom the Respondent performed terminations of pregnancy (TOP). ..Patient A's testimony established that the Respondent performed a TOP on Patient A in 1989 without the Patient's written or oral consent. Such conduct constitutes gross negligence..

JOEL NOVENDSTERN

In February 2003, the Bureau of Professional Medical Conduct (hereinafter BPMC) charged him with gross negligence, patient abandonment, moral unfitness and failure to maintain records arising from his conduct during and following a **termination of pregnancy** performed by dilation and evacuation in a clinic on patient A, who was more than 23 weeks pregnant.

Stanley Brown MD

SALOMON EPSTEIN, M.D.






the New York State Board for Professional Medical Conduct charged Epstein with thirty-six specifications of professional misconduct.






Abortionist Pierre J. Renelique MD



Ann K. Neuhaus, MD

Michael R. Loss , MD

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