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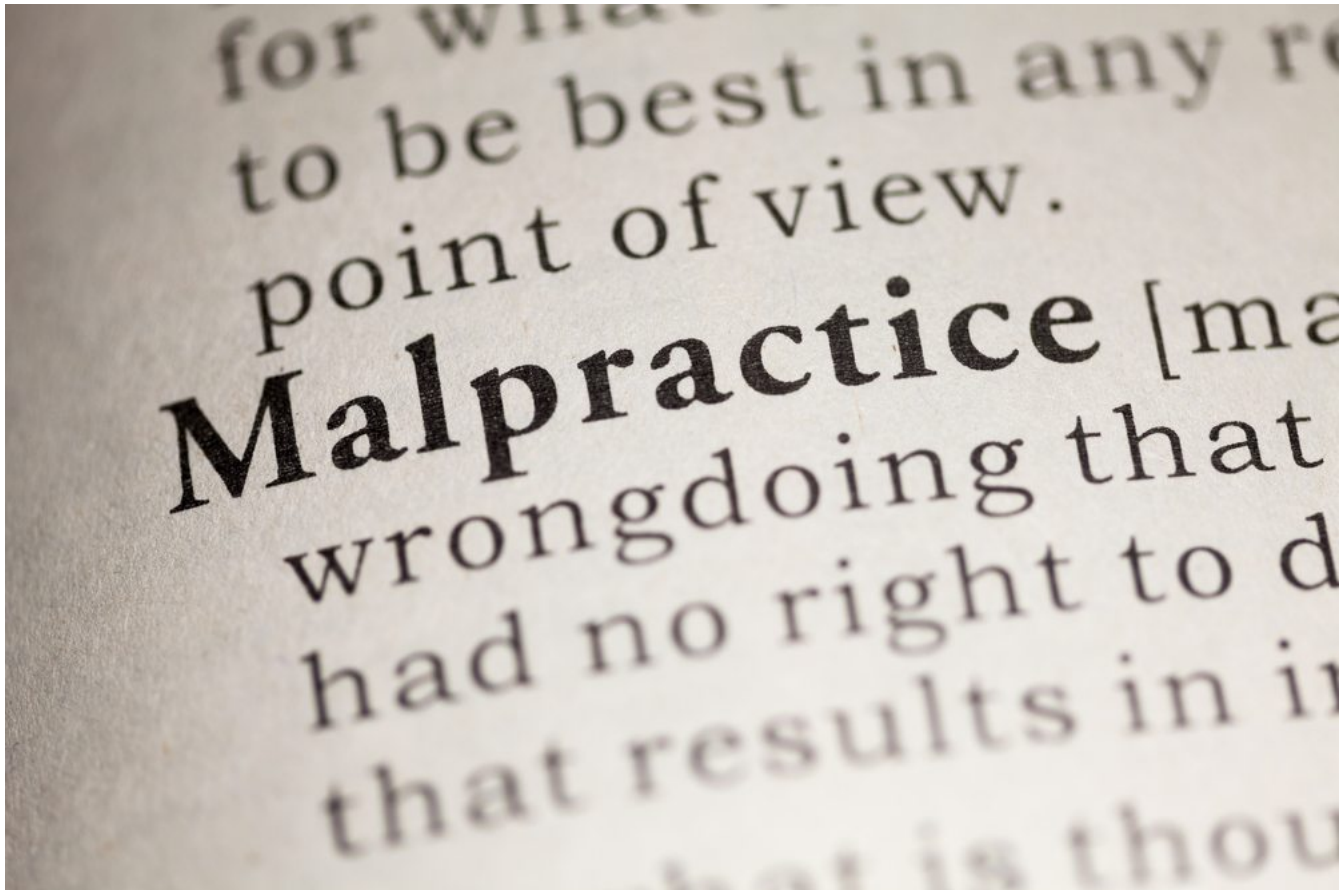
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Rogue Abortion Provider Lacked Medical Malpractice Insurance, New Jersey AG Says

Dec 3, 2013, 11:32am [Sharona Coutts](#)

If New Jersey's attorney general succeeds in the current administrative proceedings, that state will permanently revoke Dr. Steven C. Brigham's medical license, leaving him without any valid credentials to practice medicine in the United States.

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The controversial doctor at the center of an illegal abortion scandal did not have medical malpractice insurance, in breach of New Jersey law, according to new documents filed in an administrative law proceeding by the New Jersey Office of the Attorney General.

The claim is the latest in a slew of allegations leveled against Dr. Steven C. Brigham, whose [checkered history of harming patients](#) and flouting laws has led several states to suspend or revoke his medical license.

If New Jersey's attorney general succeeds in the current administrative proceedings, that state will permanently revoke Brigham's medical license, leaving him without any valid credentials to practice medicine in the United States.

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The proceedings arose from a 2010 incident in which an 18-year-old New Jersey resident was left with major internal injuries after undergoing a surgical abortion in clinic affiliated with Brigham in Elkton, Maryland. The incident prompted a raid by Maryland authorities in which they discovered fetal remains in freezers, and initially charged Brigham and his associate, Dr. Nicola Riley, with murder of those fetuses.

Those charges were later dropped, but New Jersey's attorney general has included the Elkton incident in the current proceedings, arguing that Brigham's unlicensed practice of medicine in Maryland amount to a crime under New Jersey law. Brigham concedes that he did not have a Maryland medical license, but claims that although he initiated the abortions in New Jersey from 2009 through 2010, he arranged for other doctors to complete the procedures once the patients arrived in Maryland. He claims that he was not, therefore, actually practicing medicine in Maryland. Both the medical board of Maryland and the New Jersey Office of the Attorney General disagree: Maryland ordered him to cease and desist the unlicensed practice of medicine, and New Jersey has made that claim part of its current case.

This is not the first time that Brigham's multi-state abortion scheme has landed him in legal trouble.

New Jersey first attempted to crack down on his practice in the mid-1990s, arguing then—as now—that it was an elaborate ploy to skirt New Jersey laws that require all abortions performed after 14 weeks' gestation to take place at a licensed ambulatory facility or a hospital. An administrative law judge decided in the late 1990s that Brigham's scheme did not fall foul of the law.

Since then, Brigham resumed his practice of commencing abortions in his private offices in locations throughout New Jersey, often by administering medications and injections intended to kill the fetus and induce labor. He would also frequently insert devices known as "laminaria," which assist the cervix to dilate.

After providing these interventions, Brigham or his staff would tell patients to go home, and return to the clinic the following day, where Brigham and his staff would lead them in a caravan of cars that traveled to clinics in Maryland or Pennsylvania.

These practices have been [condemned as dangerous and irresponsible by reputable abortion providers](#), who say they fall short of acceptable standards of care.

The current proceedings include multiple counts against Brigham, alleging that he has breached both civil and criminal laws as a result of his multi-state scheme.

The counts include failure to keep proper medical records, practicing medicine without a license, violating New Jersey's laws that govern terminations of pregnancy, and engaging in conduct that amounts to a "clear and imminent danger to the public."

The latest filings add to that list. Last week, the attorney general sought permission from the court to include a new count: that Brigham failed to comply a legal requirement that he maintain medical malpractice liability insurance while practicing medicine in New Jersey.

The revelation came to light in October 2013, when Jeri L. Warhaftig, the senior deputy attorney general for New Jersey who is arguing the case, met with the woman who was injured at the Elkton clinic in 2010, according to the new filings. During that meeting, the former patient told Warhaftig that she had reached a financial settlement with Brigham's association, Dr. Riley, but that she had not pursued any action against Brigham himself because her attorney had discovered that Brigham did not have malpractice insurance.

"That fact, among others, discouraged her from pursuing action," according to the new filings.

In fact, to the extent that Brigham has possessed malpractice insurance in the past few years, it appears that he bought policies from an identified fraudster based in Bermuda and Georgia who served jail time after pleading guilty in 2007 to fraudulent activities and money laundering. According to the new filings, the U.S. Attorney's Office notified victims of that fraudulent scheme in 2006, yet Brigham continued to claim that he was covered by that policy until as late as September 2011.

Because the proceedings are ongoing, the New Jersey attorney general's office is unable to comment. The administrative proceedings are not expected to conclude until early 2014, at the earliest.

Even if Brigham is permanently stripped of his New Jersey medical license, that will not necessarily spell the end of his involvement in providing abortion services in the United States, because most states do not require the owners or managers of medical clinics—not just those where abortions are provided—to possess medical licenses.

Indeed, Brigham still owns and manages several American Women's Services clinics in New Jersey, and remains affiliated with other clinics in Maryland and other states, according to his company's website.

Last month, Pennsylvania ordered the closure of a clinic after legitimate abortion providers [discovered that it was owned by Brigham](#), despite a legal order that prohibits him from any involvement in abortion services in that state.

During a hearing in New Jersey last month, Brigham insisted that he is motivated by a desire to help women in need, and insisted that many of the claims against him are motivated by politics or by his "competitors."

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