

NEWS

Doctor indicted in Cape abortion death

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The doctor who performed an abortion on a woman who later died has been indicted by a Barnstable County Grand Jury for manslaughter, Cape and Island District Attorney Michael O'Keefe said this afternoon.

Dr. Rapin Osathanondh was indicted in the death of Laura Hope Smith, 22, of Sandwich, who died Sept. 13, 2007 at Cape Cod Hospital in Hyannis after an abortion procedure at the Women's Health Center in Hyannis.

The charges are a result of an investigation by Barnstable and state police and the state Board of Registration in Medicine, O'Keefe said.

The indictment was returned today.

"There was a lengthy presentation over several days," O'Keefe said this afternoon.

Some expert witnesses were called, but O'Keefe declined to discuss other specifics about witness testimony or evidence.

The grand jury was presented with only one indictment option, manslaughter.

In a wrongful death civil suit filed earlier this year in Barnstable Superior Court by Smith's mother, Eileen Smith, attorneys claimed that Osathanondh failed to properly monitor her vital signs after the procedure, among other claims.

O'Keefe said grand jurors concluded that the doctor's "activity and lack of activity amounted to willful and wanton negligence."

A date for Osathanondh's arraignment could be set some time within the next week, he said.

In February, O'Keefe told the Times that his office was treating the case as an unattended death, a term that is applied to cases the state medical examiner investigates under state law.

He said at the time that he had spoken with the state medical examiner and that some blood tests were pending.

O'Keefe told the Times at that time that he would consult with an anesthesiologist about the results of the toxicology reports.

Osatahanondh, a gynecologist, resigned his medical license on Feb. 20. As a result of his resignation, whose primary practice was in Brookline, can no longer practice medicine in Massachusetts and cannot re-apply for the license.

The reasons why the former Harvard fellow resigned his medical license are not public, a Massachusetts Board of Registration in Medicine spokesman said at the time. However, medical board spokesman Russell Aims in February described the action as "disciplinary," adding that because the doctor chose to resign, members of the board are constrained from discussing the case or the underlying cause of the resignation.

Smith was pronounced dead at Cape Cod Hospital after being taken there by ambulance. Her mother said she was 13 weeks pregnant when she sought an abortion.

In her medical board complaint, Eileen Smith, of New Jersey, questioned what kind of drugs, including anesthesia, Osatahanondh used on her daughter and whether there was anyone with medical training to assist Osatahanondh during the abortion procedure.

Ten days after her daughter's death, in an effort to understand what had happened, Smith told the Times that she met with Osatahanondh in the lobby of the Boston Harbor Hotel.

Osatahanondh said her daughter had a suction-type abortion and she was anesthetized during the procedure, Smith said at the time. She saw a waiver her daughter signed, the permissions she gave and the list of drugs she was given, Smith said.

"After what had happened, I expected to meet a monster. Instead, I met this tall, thin, soft-spoken Asian man, who if I had not known what he'd done, might be someone I'd invite to dinner," Smith told the Times. "But I do know what he did and I am relieved that he will no longer practice medicine. Laura's death will not be in vain if it saves the lives of other young women."

Return here for more details as further information becomes available.

