

# Massachusetts Abortion Practice Under U.S. Fraud Inquiry

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Federal prosecutors are investigating whether the largest for-profit abortion practice in Massachusetts falsified ultrasound test results to steer pregnant women to more complicated -- and more expensive -- abortions than they needed.

On Nov. 30, the Federal Bureau of Investigation went to the Brookline office of the practice, Repro Associates, and seized about 200 patient files, along with financial records, and the ultrasound machine. No charges have been filed, and neither the Federal Bureau of Investigation nor the United States Attorney's office in Boston would discuss the investigation.

Dr. Howard J. Silverman, who owns Repro Associates, said he and the other doctors who work with him had done nothing wrong. "This is completely baseless," he said. "I've been charged with nothing, and I'm outraged that this has been leaked to the press. This makes no sense. There are six of us doing these ultrasounds, doctors with the best credentials from hospitals like Mass General and Brigham and Women's. It would have to be a conspiracy."

Dr. Silverman, who has practices in the Massachusetts towns of Hyannis, New Bedford and Shrewsbury, in addition to Brookline, said his offices performed about 6,000 abortions a year, about a sixth of the number in Massachusetts. About 100 a week are first-trimester abortions, he said, and about 6 are second-trimester abortions, performed after 14 weeks of gestation.

Ultrasound tests are given to determine the age of the fetus and thus indicate the best procedure to use to end the pregnancy. First-trimester abortions, which are relatively simple and quick, cost \$325 to \$465, depending on the anesthesia chosen. Second-trimester abortions, two-day procedures in which the woman's cervix is dilated overnight and then the fetus is removed the next day, cost \$650 and up. Dr. Silverman said his offices did not perform abortions after 22 weeks of pregnancy.

Dr. Silverman said he believed the investigation was initiated by a disgruntled former employee. He said he was not aware of any patient who thought he had miscalculated the age of her fetus or pushed her into a more complicated abortion than needed.

"I know one woman who inquired why our ultrasound differed from the one she had gotten from her gynecologist," he said, "but she was just trying to understand, and we explained how that can happen."

Other doctors confirmed that ultrasound dating is not an exact science. "It's very common for people to come in with an ultrasound that's wrong, that's off by a week or two," said Dr. Dwight Williamson of Cascade Family Planning in Takoma, Wash. "Ultrasound is not like an X-ray, where you get a solid one-dimensional picture. It's a computer-generated picture based on the machine's computation of the ultrasonic sound waves that are reflected back.

"So the image depends on the technician's skill in placement and the standards the computers have been fed, which differ. Two weeks' difference could easily be legitimate; four weeks would be unusual."

Robert Cordy, the lawyer representing Dr. Silverman, said that he expected it would be several months before the results of the investigation were made public. "The files are there, the images are there, the patient records are there," he said, "and they just have to go through them. We're confident that when they've looked at everything, they'll find the allegations are completely baseless. That doesn't mean there won't be one or two women who said they thought they weren't so far long. That's normal. In a way this is pretty straightforward. Either the records show a problem or they don't."

But in the muddy politics of abortion, nothing is that simple.

"There has been controversy surrounding this physician's practice for years," said Nicki Nichols Gamble, president of Planned Parenthood of Massachusetts.

Indeed, in 1984, the Massachusetts Board of Registration in Medicine placed Dr. Silverman on probation for three years for sexual misconduct with a patient. At the same time, his hospital admitting privileges were revoked and he was ordered into psychotherapy and forbidden to examine patients without a third party present.

Since then, he has been the subject of five other complaints to the medical board, all of them dismissed. One, made anonymously in 1992, complained of improper breast examinations, and another complained of an incomplete abortion. Another

**accused him of misleading advertising, and two were filed by anti-abortion demonstrators who said Dr. Silverman had interfered with protests at his clinic in Hyannis.**

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