

PENNSYLVANIA STATE BOARD OF MEDICINE



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Philadelphia Abortion Clinic Investigation Prompts Policy Changes

Protecting the public health and safety is a top priority for the Bureau of Professional and Occupational Affairs. During their first week in office, Governor Tom Corbett and Secretary of the Commonwealth Carol Aichele were confronted with a tragic situation that challenged this important premise.

This situation involved the Women's Medical Society and Dr. Kermit Gosnell in Philadelphia. As the grand jury report on this case noted, this abortion clinic which was operated by Gosnell for almost four decades revealed a horrific reality: babies lost their lives there, and women who came to this facility were harmed and greatly mistreated, resulting in additional loss of life.

Governor Corbett acted swiftly in charging the Departments of State and Health with implementing new procedures so this would not happen again. As Secretary Aichele made clear in testimony to the legislature earlier this year, the issues in the Gosnell case were NOT a matter of a lack of personnel or resources. They were a matter of a failure to perform on behalf of individuals, and this specific failure has since been addressed, helping reform BPOA.

Following Governor Corbett's direction, Secretary Aichele has implemented several policy changes to prevent a similar occurrence in the future. Specifically, these BOPA policy changes are now in place:

- All complaints concerning a person or facility are assigned to the same attorney, a common sense approach to ensure proper management of each case.
- All attorneys now cross-check open and closed files with other staff attorneys, to make sure patterns of misconduct do not go unnoticed. For a prosecutor, pattern identification is a key component in demonstrating consistent wrongdoing. Often, proving a pattern of misconduct provides sufficient evidence for prosecutors to present to the appropriate professional licensure board, which can then take appropriate action.

- Reports on individuals and facilities will be more detailed, including history of any prior complaints or violations. These include checklists, which cover the file cross-checks mentioned above, appropriate data collection and history review.
- Bureau attorneys are receiving formal training on investigative procedures and rules and regulations, including prosecuting complaints.

In addition, the Departments of State and Health are working to strengthen communications and complement administrative and regulatory efforts, including:

- Setting up a means of sharing information between agencies, on a monthly basis, including complaints, serious events, complications, deaths, and investigations. If one of our agencies is looking into a situation, the other agency will know about it and will coordinate information and efforts. To streamline this, each agency has established a point of contact to avoid any confusion.
- We have also established a process for joint investigations.

The vast majority of the approximately 830,000 professionals licensed in 29 areas by the Bureau adhere to the high professional and ethical standards inherent in the granting of their licenses. When a situation such as the Gosnell case happens, it has the potential to damage the good name of all professionals in the field, as well as the Bureau's reputation for enforcing these standards.

The new policies outlined above will insure the Bureau fulfills its pledge to protect the public health and safety, and the integrity of the professionals in every field as well as of those within the Bureau.

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