

IN THE MATTER OF  
GEORGE SHEPARD, JR., M.D.

Respondent

License Number: D48352

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2011-0134

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION  
OF LICENSE TO PRACTICE MEDICINE**

The Maryland State Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license of George Shepard, Jr., M.D. (the "Respondent") (D.O.B. 02/27/22), License Number D48352, to practice medicine in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. § 10-226(c)(2009 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

**BACKGROUND FINDINGS**

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

to practice medicine in Maryland on March 12, 1996, under License Number D48352. The Respondent also holds a license to practice medicine in Delaware.

2. The Respondent is board-certified in obstetrics and gynecology. The Respondent practices medicine at the following address: 126 East High Street, Elkton, Maryland 21921. The Respondent has no hospital privileges in Maryland.

3. The Board initiated an investigation of the Respondent in conjunction with its investigation of two other physicians, Steven C. Brigham ("Dr. Brigham") and Nicola I. Riley, M.D. ("Dr. Riley").

4. Dr. Brigham is not and has never been licensed to practice medicine in the State of Maryland. Dr. Brigham is reportedly licensed to practice medicine in the State of New Jersey. Dr. Brigham was formerly licensed to practice medicine in the State of New York. On November 30, 1994, Dr. Brigham's New York medical license was revoked for gross negligence and negligence on more than one occasion.

5. Dr. Riley was originally licensed to practice medicine in Maryland on July 20, 2010, under License Number D71213. Dr. Riley also holds medical licenses in Utah and Wyoming.

6. Dr. Brigham owns and operates American Women's Services ("AWS"), which provides abortion services at facilities in several states, including New Jersey, Pennsylvania, Virginia, and Maryland.

7. AWS's Maryland offices are located at the following addresses: 3506 N. Calvert Street, Suite 110, Baltimore, Maryland 21218; 6005 Landover Road, Suite 6, Cheverly Maryland 20785; 801 Toll House Avenue, Unit H-6,

Frederick, Maryland 21701; 4700 Berwyn House Road, College Park, Maryland 20740; and 126 East High Street, Elkton, Maryland 21921.<sup>2</sup>

8. Shortly after being granted licensure, Dr. Brigham hired Dr. Riley to perform abortions at the Maryland offices of AWS. Dr. Riley began performing abortions at one or more of these facilities on July 30, 2010.

9. In mid-August 2010, the Board initiated investigations of Drs. Brigham and Riley after receiving a complaint against them from the Elkton Police Department. The Board docketed its investigation of Dr. Brigham under Board Case Number 2011-0117. The Board docketed its investigation of Dr. Riley under Case Number 2011-0118.

10. The Board then received a second complaint against Dr. Riley from a physician from Johns Hopkins Hospital on August 18, 2010, which the Board docketed under Case Number 2011-0130.

11. Both of these complaints involved an incident in which Drs. Riley and Brigham performed an abortion that occurred in Elkton on August 13, 2010.

12. During its investigation of this matter, the Board determined that Dr. Brigham hired the Respondent to oversee and otherwise be involved in the day-to-day operations at the Maryland offices of AWS.

13. After conducting an investigation into the above complaints and the Respondent's involvement with AWS, the Board issues this Order for Summary Suspension pursuant to Md. State Gov't Code Ann. § 10-226(c)(2), concluding that

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<sup>2</sup> According to State Assessments and Taxation records, since at least 2004, Dr. Brigham has established a series of corporate entities for these facilities, going by various trade names, such as Access Medical Care, P.C., Professional Medical Services, P.C., Advanced Professional Care, LLC, and American Women's Services.

the public health, safety or welfare imperatively required emergency action. The Board's investigations investigative findings are set forth *infra*.

#### **BOARD INVESTIGATIVE FINDINGS**

14. The Board realleges and incorporates by reference herein paragraphs one through thirteen above.

#### **Complaint Numbers 2011-0117 and 2011-0118**

15. On or about August 16, 2010, a representative of the Elkton Police Department submitted a complaint to the Board about Drs. Brigham and Riley, alleging that on August 13, 2010, they transported a critically injured patient (referred to *infra* as "Patient A")<sup>3</sup> in a private vehicle to the Emergency Department at Union Hospital, located in Elkton, Maryland, following a failed surgical abortion.

#### **Complaint Number 2011-0130**

16. On or about August 18, 2010, a physician from Johns Hopkins Hospital ("Johns Hopkins") submitted a second complaint against Dr. Riley to the Board.

17. Physician A stated that on August 13, 2010, the Respondent performed an abortion on Patient A, during which the Respondent noted a uterine perforation. The Respondent then transported Patient A in a personal vehicle to the emergency room at a hospital in Elkton, where it was determined that Patient A sustained a uterine perforation with evisceration of small bowel through the uterine perforation into the vagina. Due to the extent of Patient A's injuries, Patient A was transported to Johns Hopkins, where Physician A and a general surgeon

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<sup>3</sup> To ensure confidentiality, patient names will not be disclosed in this Order for Summary Suspension. The Respondent may obtain the identity of any individuals referenced herein by contacting the assigned administrative prosecutor.

performed an exploratory laparotomy, repair of the hysterotomy, and small bowel resection in order to repair the injuries Patient A sustained during the failed abortion.

18. Physician A stated that she filed the complaint for the following reasons: (a) It was "unsafe" to transport a patient in Patient A's condition via personal vehicle to the emergency room, which "demonstrates poor clinical judgment" that placed Patient A "at risk"; and (b) "It is concerning that patients were being transported across state lines to complete medical care."

### **Investigation of the Respondent**

19. When conducting its investigation into the above complaints, Board investigators determined that the Respondent was listed on recovery room and medical waste logs<sup>4</sup> that were found at AWS's Elkton facility. Board investigators subsequently interviewed the Respondent about his involvement with AWS.

20. The Respondent stated that in or around September, 2009, Dr. Brigham hired him to act as medical director at his Maryland facilities. The Respondent typically works two days per week in this role.

21. The Respondent stated that he is partially physically disabled and that when he is scheduled to work, AWS will send a driver to his home in Delaware to transport him to its Maryland facilities.

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<sup>4</sup> The Board reviewed two types of logs that were retrieved from AWS's Elkton office. These logs are entitled, "Daily Tissue and Medical Waste Log for NJ Offices"; and "Recovery Room Log." Both of these logs list the Respondent as a physician on the forms. The medical waste logs list such information as the patient's initials, date of procedure, weeks of pregnancy and total sample weight. The recovery room logs list such information as the patient's initials, number of weeks pregnant, the procedure and payment type. The "medical waste" logs record patients who underwent second trimester abortions from July 13, 2010 to August 13, 2010.

22. The Respondent stated that he orders medications for AWS's Maryland facilities. The Respondent stated that he is usually contacted by the managers of the facilities, who request medications that he then orders. The Respondent maintains a Drug Enforcement Administration ("DEA") Certificate of Registration for each AWS Maryland facility.<sup>5</sup>

23. The Respondent stated that he also keeps logs, ensures that the "biologicals" are properly refrigerated and that the medications stored at the facilities are not expired. The Respondent also stated that after patients undergo abortions, he "wait[s] and see[s] all the patients and make sure that they left in good shape."

24. The Respondent stated that Dr. Brigham directs patients to his Maryland facilities if they require second trimester abortions. The Respondent was aware of the fact that Dr. Brigham, or physicians at his direction, commence performing second trimester abortions in New Jersey through the administration of cervical dilating agents (laminaria) and digoxin (digoxin is widely used to treat various heart conditions, but can be used for purposes of causing fetal demise). After the patients undergo these procedures, Dr. Brigham sends them down to his Maryland facilities for completion of the abortion process. The Respondent stated that Dr. Brigham comes down from New Jersey and performs second trimester abortions on the patients at AWS's Elkton office. The Respondent also stated that Dr. Brigham also performs first trimester abortions in Elkton.

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<sup>5</sup> The Respondent's DEA registration numbers are as follows: for the Elkton facility, FS1759440; for the Cheverly facility, FS1759717; for the Frederick facility, FS1759438; and for the Baltimore facility, FS1759402. All of these registrations reportedly expire on February 28, 2013.

## **Cease and Desist Order, August 25, 2010**

25. On August 25, 2010, the Board issued a Cease and Desist Order (the "Order") pursuant to Md. Health Occ. Code ("H.O.") § 14-206(e), in which it ordered Dr. Brigham to immediately cease and desist from practicing medicine in Maryland without a license. In its Order, the Board stated the following:

Dr. Brigham is not and has never been licensed to practice medicine in Maryland.

Dr. Brigham has performed surgical procedures in Elkton, Maryland on a regular basis, performing two to three procedures on each visit during each of approximately two visits per week for at least several months prior to the date of this Order.

On August 13, 2010, Dr. Brigham initiated a procedure, which then had to be completed on an urgent basis. Dr. Brigham then followed the patient in an automobile as the patient, under his instructions, traveled to Elkton, Maryland for the completion of the procedure. In Elkton, Maryland, the patient was admitted, as planned, to a clinic owned by the Respondent for the completion of the procedure. Dr. Brigham directed the surgical procedure that took place at his clinic on that date.

As recently as Friday, August 20, 2010, Dr. Brigham arranged for and attempted to assist in surgical procedures in Elkton, Maryland.

Dr. Brigham has been observed performing surgical procedures on approximately 50 occasions in Maryland at the Elkton location since January 2010.

The health of Maryland patients is being endangered by Dr. Brigham's unlicensed practice of medicine in this State.

## **Additional Police Investigation**

26. Officers of the Elkton Police Department returned to AWS's Elkton facility on August 18, 2010, to serve a search and seizure warrant for Patient A's

medical record, which they were not able to find. Officers did locate a chest freezer in the facility, which contained approximately 35 late term fetuses and fetal parts removed from Patient A.

27. Officers also found two sets of logs at the facility, entitled, "Daily Tissue and Regulated Medical Waste log for NJ offices," and "Recovery Room Log." These logs show the date, weeks of pregnancy and the total sample weight, presumably relating to abortions that were performed at the facility. The latest fetal age is measured as being 36 weeks. The forms list other later term abortions involving fetal ages of 28, 20, 33 and 35 weeks. The logs also identify the following physician names: "Dr. Shepard, Dr. Woaker, Dr. Rilley."

28. On August 20, 2010, officers of the Elkton Police Department served a search and seizure warrant at Dr. Brigham's New Jersey office in order to obtain the medical records that correspond to the fetuses found in the chest freezer. Officers reportedly found only two medical records related to the fetuses found in the Elkton facility.

29. Based on the above investigative facts, the Board has a basis to charge the Respondent with violating the Maryland Medical Practice Act (the "Act"), H.O. §§ 14-101 *et seq.* Specifically, the Board has a basis to charge the Respondent with violating the following provisions of the Act under H.O. § 14-404(a):

- (3) Is guilty of: (ii) unprofessional conduct in the practice of medicine; [and]
- (18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine.



30. The Respondent participates in a practice arrangement at AWS's Maryland offices that poses a threat to the public, to the patients who undergo procedures there, and to the profession of medicine. The Respondent knowingly participated in a practice arrangement in which abortions were initiated in one state, after which the patients were instructed to drive across state lines to an undisclosed location for completion of the abortion. This arrangement potentially places patients at grave risk for harm or catastrophic outcomes. The Respondent practiced with an unlicensed individual, Dr. Brigham, or aided an unlicensed individual, Dr. Brigham, in the practice of medicine in Maryland. The Respondent facilitated the functioning of AWS's Maryland offices through his involvement in the day-to-day operations there, and facilitated the unlicensed practice of medicine.

#### **CONCLUSIONS OF LAW**

Based on the foregoing investigative facts, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(2009 Repl. Vol.).

#### **ORDER**

It is this 31<sup>st</sup> day of August 2010, by a majority of the quorum of the Board:

**ORDERED** that pursuant to the authority vested by Md. State Gov't Code Ann. §10-226(c)(2), the Respondent's license to practice medicine in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that a post-deprivation hearing in accordance with Code of Maryland Regulations tit. 10, § 32.02.05.B(7), C and E on the Summary

Suspension has been scheduled for **Wednesday, September 8, 2010 at 11:00 a.m.**, at the Maryland State Board of Physicians, 4201 Patterson Avenue, Room 108, Baltimore, Maryland 21215-0095; and it is further

**ORDERED** that at the conclusion of the **SUMMARY SUSPENSION** hearing held before the Board, the Respondent, if dissatisfied with the result of the hearing, may, within ten (10) days, request an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an administrative law judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

**ORDERED** that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board's investigator the following items:

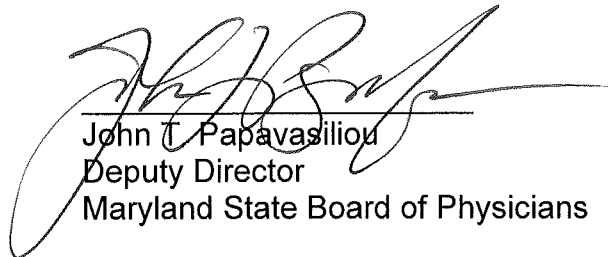
- (1) his original Maryland License D48352;
- (2) his current renewal certificate;
- (3) DEA Certificates of Registration, # FS1759440, FS1759717, FS1759438 and FS1759402 (exp. 02/28/13));
- (4) Maryland Controlled Dangerous Substance Registration, # M42769 (exp. 09/30/11);
- (5) All controlled dangerous substances in his possession and/or practice;
- (6) All Medical Assistance prescription forms;
- (7) All prescription forms and pads in his possession and/or practice; and

(8) Any and all prescription pads on which his name and DEA number are imprinted.

**AND IT IS FURTHER ORDERED** that a copy of this Order of Summary Suspension shall be filed with the Board in accordance with Md. Health Occ. Code Ann. § 14-407 (2009 Repl. Vol.); and it is further

**ORDERED** that this is a Final Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol.)

8/21/10  
Date

  
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John T. Papavasiliou  
Deputy Director  
Maryland State Board of Physicians