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Health and Government
Operations Committee

Insurance Subcommittee

Government Operations
Subcommittee

Joint Committee
on Federal Relations



The Maryland House of Delegates
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The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

February 28, 2013

The Honorable Joshua M. Sharfstein, M.D., Secretary
Department of Health & Mental Hygiene
Office of the Secretary
201 West Preston Street
Baltimore, MD 21201

Dear Secretary Sharfstein,

We write to you with deep concern over the enactment, enforcement, and responses to official complaints related to **COMAR 10.12.01 Surgical Abortion Facilities** regulations, enacted last year on July, 23, 2012.

It has come to our attention that there are seventeen licensed surgical abortion facilities in Maryland. However, a simple review of advertised abortion clinics in Maryland reveals that there are several more that remain unlicensed and in operation. Is this being addressed? Are licensed surgical abortion facilities being inspected prior to licensure?

On February 7, 2013 a woman died after a late term abortion at a licensed abortion clinic in Maryland known as Germantown Reproductive Health Services. In the wake of this tragic event it has come to our attention that there was an official complaint filed against this facility with the Office of Health Care Quality on November 20, 2012. The complaint alleges very concerning issues and includes photographic evidence of violations related to COMAR 10.12.01. Despite being filed last year, this serious complaint to the best of our understanding has yet to be investigated and the facility has yet to be inspected. Will you please explain what steps, if any, the Office of Health Care Quality has taken to investigate this official complaint? Additionally, it would be helpful to understand the review process for complaints of this type. Please explain the process. Specifically, if not a patient's death, what is the trigger for immediately suspending the license of a surgical abortion facility as permitted under COMAR 10.12.01.17, in order to protect the public?

President Clinton once observed that abortion must be safe, legal, and rare. While Marylanders have different opinions on the larger issue of abortion, we all agree that a woman receiving one should be protected from unscrupulous doctors as well as unsafe or unsanitary facilities in violation of state regulations or law. Laws and regulations are only effective if they are enforced. We, the undersigned, are extremely concerned about the

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issues stated in this letter and ask for your urgent review. It is vitally important that there be strong enforcement of Maryland's Surgical Abortion Facility regulations to protect public health and safety.

Sincerely,



Delegate Nicholas Kipke, Ranking Member
House Health & Government Operations



Delegate Kathy Afzali



Delegate Gail Bates



Delegate Don Dwyer



Delegate William Frank



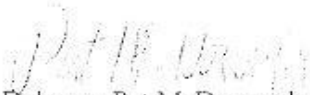
Delegate Glen Glass



Delegate Michael Hough



Delegate Susan McComas



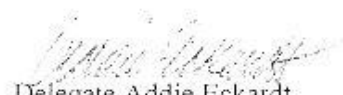
Delegate Pat McDonough




Delegate Susan Aumann



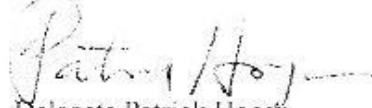
Delegate Joe Boteler



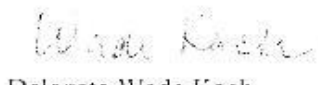
Delegate Addie Eckardt



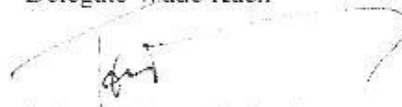
Delegate Ron George



Delegate Patrick Hogan



Delegate Wade Kach



Delegate Tony McConkey



Delegate Herb McMillan