



North Carolina Department of Health and Human Services  
Division of Health Service Regulation

Pat McCrory  
Governor

Aldona Z. Wos, M.D.  
Ambassador (Ret.)  
Secretary DHHS

Drexdal Pratt, Director

**HAND DELIVERED**

**NOTICE OF ADMINISTRATIVE ACTION  
ABORTION CERTIFICATE**

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**TO:** John H. Baker, MD, Owner  
The Baker Clinic for Women  
400 – B Crutchfield Street  
Durham, NC 27704

**FROM:** Azzie Y. Conley, RN  
Section Chief  
Acute and Home Care Licensure and Certification Section

**SUBJECT:** Summary Suspension of Your Certificate to Operate  
Certificate No. AB 0058  
*FID No. 110748*

**DATE:** July 5, 2013

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Pursuant to North Carolina General Statutes N.C.G.S. § 150B-3(c), the Division of Health Service Regulation (DHSR), North Carolina Department of Health and Human Services (DHHS), HEREBY SUMMARILY SUSPENDS YOUR CERTIFICATE TO OPERATE **The Baker Clinic for Women**, an abortion clinic. YOU ARE HEREBY DIRECTED TO CLOSE **The Baker Clinic for Women**, BY NO LATER THAN 5:00 O’CLOCK P.M. ON July 5, 2013.

**AGENCY FINDINGS**

This Summary Suspension is based on this agency’s findings that conditions at The Baker Clinic for Women, present an imminent danger to the health, safety and welfare of the clients and that emergency action is required to protect the clients. This agency has identified the facility failed to be in substantial compliance with Rules for which they are certified.



Acute and Home Care Licensure and Certification Section

<http://www.ncdhhs.gov/dhsr/>

Phone: (919) 855-4620 v Fax: (919) 715-3073

Mailing Address: 2712 Mail Service Center • Raleigh, North Carolina 27699-2712

Location: 1205 Umstead Drive (Lineberger Building) v Dorothea Dix Hospital Campus v Raleigh, N.C. 27603

An Equal Opportunity / Affirmative Action Employer



Dr. John H. Baker, Owner  
The Baker Clinic for Women  
July 5, 2013  
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On July 2, 2013, staff with the Acute and Home Care Licensure and Certification Section surveyed The Baker Clinic for Women. Therefore, it is the finding of this agency that the facility has neglected to provide the services to assure the health, safety and welfare of the clients. As a result of the investigative findings, the Section substantiated Rule violations that include:

10 NCAC 14E. .0302 Person in Authority  
10 NCAC 14E. .0309 Laboratory Services

The investigative findings revealed a potential imminent threat to the health and safety of patients. Based on the survey findings, the facility failed to ensure quality control was performed in blood banking. Based on the survey findings, the facility failed to perform quality control testing on one hundred-eight patients that received Rh(D) testing; failed to ensure the ALBAclone Anti-D blood grouping reagent manufacturer's performance specifications were verified prior to patient testing; failed to ensure a positive and negative red blood cell control material was tested at least once daily when Rh(D) testing was performed; failed to follow manufacturer's instructions for performing Rh(D) testing; failed to define an acceptable room temperature range in accordance with manufacturer's instructions for the performance of Rh(D) testing; and failed to ensure policies and procedures were developed for staff implementation for the performance of patient Rh(D) testing using the ALBAclone Anti-D blood grouping reagent.

The Report of Survey upon which the agency's decision is based will be forwarded under separate packet.

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**APPEAL NOTICE**

You have the right to contest this summary suspension of your certificate by filing a petition for a contested case hearing with the Office of Administrative Hearings (OAH) within sixty (60) days of your receipt of this letter. For complete instructions on the filing of petitions, please contact OAH at (919) 733-2698. The mailing address for OAH is as follows:

Office of Administrative Hearing  
6714 Mail Services Center  
Raleigh, NC 27699-6714

N.C.G.S. § 150B-23 provides that you must also serve a copy of the petition on all other parties, which includes DHHS. The Department's representative for such actions is Ms. Emery Edwards Milliken, General Counsel. This person may receive service of process by mail at the following address:

Ms. Emery Edwards Milliken, General Counsel  
NC Department of Health and Human Services  
Office of Legal Affairs  
2005 Mail Service Center  
Raleigh, NC 27699-2005

If you do not file a petition within the sixty (60) day period, you will lose your right to appeal this Summary Suspension. In addition to your right to file a petition for a contested case hearing, N.C. Gen. Stat. § 150B-22 encourages the settlement of disputes through informal procedures. In keeping with this law, this office remains readily available for discussion or other informal procedures to assist in resolving any dispute you may have with our findings and action. Please note that the use of informal procedures does not extend the sixty (60) days allowed to file for a contested case hearing as explained above.

Should you have any questions regarding any aspect of this letter, please do not hesitate to contact me at the Department of Health and Human Services, Division of Facility Services, Acute and Home Care Licensure and Certification Section, 2712 Mail Service Center, Raleigh, North Carolina 27699-2712 or contact me at (919) 855-4646.

cc: Drexdal Pratt, Director, Division of Facility Services  
Cheryl Quimet, COO, Division of Facility Services  
Emery Edwards Milliken, General Counsel, Department of Health and Human Services

File

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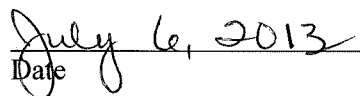
STATE OF NORTH CAROLINA

COUNTY OF DURHAM

This Notice of Administrative Action, dated July 5, 2013, was delivered via facsimile on July 5, 2013. The document was delivered in person by Azzie Y. Conley, RN, with the Acute and Home Care Licensure and Certification Section on July 6, 2013.

  
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Signature of Recipient

  
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Signature of Section Representative

  
\_\_\_\_\_  
Date