

REC'D JUL 25 2013



**NORTH CAROLINA
MEDICAL BOARD**

William A. Walker, MD
President

Paul S. Camnitz, MD
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Secretary/Treasurer

July 23, 2013

Azzie Conley- Section Chief
DHSR Acute Home Care, Licensure and Certification Section
2712 Mail Service Center
Raleigh, N.C., 27699-2712

Ms. Conley,

Information was recently published in the Durham Herald Sun newspaper that The Baker Clinic for Women, an abortion clinic in Durham, N.C., had been closed and its certification revoked after your Acute Home Care Licensure Section found violations of rules relating to a blood test provided to clients there. According to the news article, the rule violations related to the clinic not using controls used to validate Rh (D) blood tests for its patients, which constituted a quality control issue for the health, safety, and welfare of these clients. This article identified Dr. John Baker as the owner of the clinic.

The North Carolina Medical Board (NCMB) has initiated an investigation of Dr. Baker based on this newspaper article, and I am the investigator assigned to conduct the investigation. As a part of my investigation, I am requesting copies of any and all documents your department/section has produced or accumulated in regard to its investigation of this clinic. I am providing you with an NCMB Order to Produce such documents along with this letter, which is our standard means of ordering production of such materials.

The NCMB has recently had contact with you via Cecilia Boone in regard to a similar abortion clinic closure in the Charlotte area, and your name was provided as the proper contact for such requests.

Please contact me so we may discuss this matter, and arrange a means for me to receive these materials. Thanking you in advance for your assistance in this matter of mutual concern.

David Hedgecock, CMBI/Senior Investigator
Email: david.hedgecock@ncmedboard.org
Phone: 336-436-0314

1203 Front Street
Raleigh, North Carolina 27609-7533

Mailing:
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**BEFORE THE
NORTH CAROLINA MEDICAL BOARD**

ORDER TO PRODUCE RECORDS,
DOCUMENTS, OR OTHER MATERIAL

To: Department of Health and Human Services, Division of Health Services Regulation
Raleigh, N.C.
Attention: Chief Azzie Conley

YOU ARE HEREBY ORDERED TO PRODUCE before the North Carolina Medical Board, or its representative, the following patient records, papers, documents, or other material in your custody or under your control, at the time and place hereinafter set forth:

- 1) Any and all records or documents regarding reports, investigations and/or any actions related to The Baker Clinic for Women abortion clinic in Durham, N.C.
- 2) Any and all records or documents regarding reports of any practices at The Baker Clinic For Women in violation of any rules, regulations, and/or requirements of the Department of Health and Human Services
- 3) Any and all records or documents regarding any practices or conditions at The Baker Clinic For Women determined or reported to be unsafe for clients or patients at this facility

Place and time to produce: At earliest convenience upon service of this Order

This order is issued pursuant to Section 90-8 of the General Statutes of North Carolina which is reprinted on reverse side

Pursuant to Section 150B-40(c)(6) of the General Statutes, failure to comply with this Order may render you liable to proceedings in the superior court to enforce obedience to the requirements of this Order and to punish disobedience.

In addition, failure of a physician to comply with this Order may constitute a violation of Section 90-14(a)(14) of the General Statutes which requires a physician to respond, within a reasonable period of time and in a reasonable manner as determined by the Board, to inquiries from the Board concerning a matter affecting a physician's license to practice medicine, and may be grounds for the Board to annul, suspend, revoke, condition, or limit the physician's license to practice medicine and surgery issued by the Board.

This the 23rd day of July, 2013



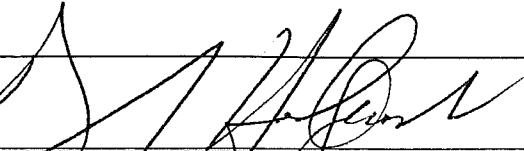
President
NORTH CAROLINA MEDICAL BOARD

ATTEST:



Executive Director
NORTH CAROLINA MEDICAL BOARD

RETURN OF SERVICE

I certify that this Order was received on <u>7/23/13</u> and served as follows:	
<input checked="" type="checkbox"/> by delivering a copy of this Order <i>via email</i> <input type="checkbox"/> by registered or certified mail return, receipt requested <input type="checkbox"/> this Order was NOT serviced for the following reasons	
Date Served <u>7/23/13</u>	Signature of Authorized Server 

* * * * *

Sec. 90-8 Officers may administer oaths, and subpoena witnesses, records and other materials

The president and secretary of the Board may administer oaths to all persons appearing before it as the Board may deem necessary to perform its duties, and may summon and issue subpoenas for the appearance of any witnesses deemed necessary to testify concerning any matter to be heard before or inquired into by the Board. The Board may order that any patient records, documents or other material concerning any matter to be heard before or inquired into by the Board shall be produced before the Board or made available for inspection, notwithstanding any other provisions of law providing for the application of any physician-patient privileges with respect to such records, documents or other material. All records, documents or other material compiled by the Board are subject to the provisions of G.S. 90-16. Notwithstanding the provisions of G.S. 90-16, in any proceeding before the Board, in any record of any hearing before the Board, and in the notice of charges against any licensee, the Board shall withhold from public disclosure the identity of a patient including information relating to dates and places of treatment, or any other information that would tend to identify the patient, unless the patient or the representative of the patient expressly consents to the disclosure. Upon written request, the Board shall revoke a subpoena if, upon a hearing, it finds that the evidence the production of which is required does not relate to a matter in issue, or if the subpoena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason in law the subpoena is invalid.