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August 22, 2008

Michael O. Leavitt  
Secretary  
The US Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Subject: U.S. Department of Health and Human Services (HHS) News  
Release of Thursday, August 21, 2008, entitled: Regulation  
Proposed to Help Health Care Providers from Discrimination.

Dear Secretary Leavitt:

The American Board of Obstetrics and Gynecology (ABOG) just received a copy of subject HHS New Release and was both shocked and very dismayed at its grossly untrue and unfair allegation that:

“... action by the American Board of Obstetrics and Gynecology...had the potential to force physicians to either violate their conscience by referring patients for abortions (or taking other objectionable actions) or risk losing their board certification.”

The “subsequent action” to which you refer is totally unspecified in the Release. Moreover, your allegation is directly contrary to the advice I provided you in my letter to you of March 19, 2008, which expressly stated:

“The American Board of Obstetrics and Gynecology has taken no stand, pro or con, against individual physicians who choose to or choose not to perform abortions or to refer patients to abortion providers.

Moreover, such an issue is not a consideration in the application or in the examinations administered by the American Board of Obstetrics and Gynecology in any of its certification or in its Maintenance of Certification requirements or examinations.”

[Emphasis supplied]

The American Board of Obstetrics and Gynecology establishes all of its requirements and procedures for certification and recertification in strict compliance with the law. It investigates and responds to all inquiries and complaints, providing all parties with impartial hearings. All policies and actions of the Board are under constant review by legal counsel.

*First in Women's Health*

Norman F. Gant, M.D.  
*Executive Director*

Alvin L. Brekken, M.D.  
*Assistant to the Executive Director*

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In none of our various communications with you and your Department have you provided the American Board of Obstetrics and Gynecology with "even one" instance of the discrimination of which you have publically accused it in your Press Release, let alone any supporting documentation. My careful and comprehensive review of the ABOG files does not disclose "even one" instance of a physician who was denied certification or recertification, or whose certification was revoked, because the ABOG allegedly required that physician, as you have charged, to violate his or her conscience by referring patients for abortions.

The ABOG has previously and privately requested you to provide it with any cases or documentation you have to support your accusations so that it could know by whom it has been accused and for what offense. By this letter, which we are releasing to the public and the press, we again ask that you provide evidence supporting the serious and damaging charges you have made.

The ABOG welcomes your intention to promulgate a new proposed Regulation to Help Protect Health Care Providers from Discrimination because it will provide an opportunity, the course of the public hearings which the Department should properly hold on this important issue, to clarify, on the public record, the position of the ABOG. Moreover, such hearing will require a complete exposition of the actual cases of misconduct which it is intended to address, will provide a public forum in which the allegations against the ABOG may be refuted, and will offer an opportunity for a complete consideration of the implications of conduct the Regulation would impact, including, but not limited to, considerations of malpractice liability and the implications on women's health care.

On behalf of the American Board of Obstetrics and Gynecology, we hereby request that the Department schedule formal hearings for the receipt of public comment so that the intent and full implications of any proposed Regulations governing "conscience rights" may be fully understood. The ABOG would appreciate being involved to participate in such hearings so that it may confront any accusers and further clarify, if such is required, its positions and policies.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Gant MD". The signature is written in a cursive, somewhat stylized font.

Norman F. Gant, M.D.  
Executive Director