



January 30, 2023

Stephanie Loucka, Executive Director
State Medical Board of Ohio
30 East Broad Street, 3rd Floor
Columbus, OH 43215

Dear Executive Director Loucka,

My office regularly conducts surveys of the RU486 complications reports that are maintained by your office under Ohio law. I appreciate the professionalism and expediency of your staff, as our public records requests are always responded to in a way that is both prompt and professional.

We recently requested copies of any records that were submitted between January 1st and December 31st of 2022. Responsive to that request were approximately 100 forms. The majority were for complications that occurred in 2022, with a few in 2021. I would anticipate that through January and February your office may receive additional forms reflecting complications that happened in 2022.

Once again, however, I have noticed a very concerning trend, which is to say that yet again, the abortion facilities that are owned by or in collaboration with Dr. David Burkons seem to be the only facilities in the state not regularly reporting complications. In our review of the responsive records for 2022, the three facilities under his control reported a total combined one adverse event. This despite the fact that reasonable estimates suggest these facilities are providing between 20% and 25% of the medical abortions reported in the state. This mirrors the reporting of his Northeast Ohio Women's Clinic facilities in 2020 and 2021, where records suggest one each year as well.

While it is possible that Ohio's most prolific distributor of RU 486 has better outcomes than any provider in the state, this does not seem likely. Dr. Burkons has been under license action in the past and has pending complaints with both the Ohio Medical Board and the Department of Health related to patient records and improper disposal of fetal remains.

I also have noticed that throughout the state there is a considerable lag between the time that the abortion complication happens and the time that the incident is reported to the Ohio Medical Board. In over a dozen reports, there was a lag time exceeding four months, and in several instances, there was a reporting delay exceeding seven months.

In the case of concerns with under-reporting, I understand from previous discussions with Medical Board staff that you may not have broad oversight in this area absent a specific actionable complaint against a licensed individual. If that is accurate, then both the issue of

timely reporting and enforcement of reporting would need to be addressed by the Legislature. Given the significant shift in both FDA guidelines and the rate by which non-surgical abortion is happening, that may be a timely discussion.

However, I would respectfully request that the Ohio Medical Board consider what it can do under existing authority to make sure that all physicians are complying with ORC 2919.123 and that, to the extent possible, this concern be included in any investigation and review of Dr. Burkons that may be occurring.

Thank you for your consideration,



Beth Vanderkooi
Executive Director