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Despite Deaths, D.C. License Upheld

City Board Chose Less Severe Penalties After Md. Abortion Complications

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Two years after OB-GYN Gideon M. Kioko was found by the Maryland medical board to have mishandled abortions in 1989, he surrendered his license, which allowed him to avoid punishment. In one case, the patient died three days after the abortion; in the second, the woman suffered brain damage and died three years later. He petitioned the board for reinstatement a year later but was turned down. Nearly six years passed before the board restored his license -- with conditions.

In the District, however, where Kioko also was licensed, the city's medical board did not take the same hard line. It allowed him to continue practicing after the Maryland incidents.

When the board decided to act in 1996, it ignored an administrative law judge's recommendation to revoke his license. Instead, it placed him on probation, fined him \$5,000, ordered community service and banned him from performing abortions in the city for five years. Three months later, the board lifted the abortion ban after a request from Kioko.

"I think they did the right thing," Kioko said in a recent interview. "They should have just left me alone."

Kioko, 65, maintained at the time that he did nothing wrong and in neither case was responsible for the anesthesia that was blamed for the problems. "The old story about me was completely twisted," he said in a recent interview.

In addition to the two deaths in Maryland, which prompted about a dozen people to write letters to city officials urging them to revoke his license, Kioko also had settled a \$1 million malpractice lawsuit in 1995 filed by a female patient.

The D.C. medical board reinstated Kioko to unrestricted status in 1999 in an order signed by then-Chairman Robert T. Greenfield Jr., a physician who previously shared a practice with Kioko for 19 years, according to Kioko and board records.

Greenfield, who no longer has a medical practice with Kioko, said he recused himself from board deliberations. But because he was chairman, he said in an interview, "I had to sign it. He came before the board, we looked at his record and . . . deemed him fit to practice."

Kioko said his working relationship with Greenfield did not play a role in his reinstatement.

"Did he give me a break? No," Kioko said. "Should the vice chairman have signed it? Probably."

In August, the medical board received a new complaint about Kioko from Northeast Washington resident Thakerya Drayton, 21, who was referred to Kioko's clinic when she sought an abortion in 2001.

"I didn't know anything about him," she said in an interview.

After the procedure, she said, Kioko sent her to the recovery room for about an hour. "I knew something wasn't right because of the pain," she recalled.

When she got home, she was "bleeding out of control," she said. After a few days, she told her mother, who called an ambulance that took her to Howard University Hospital.

Hospital records state that Drayton suffered an "incomplete abortion."

Kioko said an incomplete abortion is considered a surgical complication and shouldn't warrant a complaint to the medical board.

"I know the medical board will respond if they think there's a serious deviation in standard of care," he said.

The medical board sent Kioko a letter in September with a copy of Drayton's complaint and added that he was not obligated to respond. He said he remembers her handwritten complaint.

"Her letter was so poorly written, I couldn't understand what she was complaining about," he said.

Kioko said he responded to Drayton's complaint in December but heard nothing from the board until he contacted it March 17 after being questioned by The Washington Post about the complaint.

James R. Granger Jr., the board's executive director, told him that the case was closed, Kioko said.

Drayton said that six days later, she received a letter from Granger stating that the case was closed with no action to be taken against Kioko. The board found no evidence of a violation of city law "that would warrant disciplinary action," Granger said in an interview. It was the first time Drayton had heard from the board since filing the complaint six months ago.

"I thought we would have a meeting with the board and Dr. Kioko," she said. But the board, she added, was "no help."