



OHIO DEPARTMENT OF HEALTH

246 North High Street
Columbus, Ohio 43215

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John R. Kasich/Governor

Lance Himes/Interim Director of Health

April 28, 2017

Via E-mail and regular U.S. Mail

Jennifer Branch
Gerhardstein & Branch
Carew Tower
441 Vine Street, Suite 3400
Cincinnati, Ohio 45202

RECEIVED JULY 17, 2017
GREATER COLUMBUS RIGHT TO LIFE
GCRTL.ORG

Re: Founder's Women's Health Center Variance Request
2017 Variance Request

Dear Ms. Branch:

Pursuant to R.C. 3702.304 and O.A.C. 3701-83-14 and after careful review and consideration and consultation with the department's medical director, I am granting the variance request of Founder's Women's Health Center (Founder's) for the 2017 license period submitted to the Ohio Department of Health on February 27, 2017. This variance is an alternative to the requirement for a written transfer agreement as set forth in R.C. 3702.303 and O.A.C. 3701-83-19. The variance is being granted based on the information submitted, including Founder's Hospital Transfer Protocol, and on the identified back-up physicians. The physicians listed in 2017 variance application are: Harley Blank, M.D., Karl Schaeffer, M.D. and Mark Brown, M.D.

All three of the physicians included in the variance proposal perform surgeries at Founder's and have admitting privileges at Grant Hospital. Founder's proposal is to have one doctor performing surgery while the other doctors serve as back-up coverage. In the event that both back-up physicians are unavailable, surgeries will not be performed.

It is my expectation that Founder's will comply with the requirements of R.C. 3702.307(B) and (C) and will notify the department within 48 hours of any proposed modification to the variance protocol or the information contained in the variance application described in R.C. 3702.304(B). This information includes, but is not limited to, changes to the back-up physician(s) listed. Founder's must also notify me within one week after becoming aware of any event that may affect a back-up physician's ability to practice medicine, including discipline by the state medical board, ability to admit patients to the hospital identified in Founder's variance application, or any court judgments that affect a back-up physician's ability to practice medicine or provide back-up services. Further, as a condition of this variance, if Founder's proposes any modifications to the approved variance during the licensure period, Founder's must obtain written approval from the department prior to making any unilateral changes. In addition, Founder's shall comply with its Hospital Transfer Protocol.

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This variance shall expire at the end of Founder's licensure period. R.C. 3702.306 provides that a variance the director of health grants under section 3702.304 of the Revised Code is effective *for the period of time specified by the director*, except that it shall not be effective beyond the date the ambulatory surgical facility's license expires. I specify that this variance expires on **March 31, 2018**, to coincide with Founder's next license renewal. Because this variance will expire on the date the facility's license expires, the facility may apply for a new variance with its next license renewal application. Finally, pursuant to R.C. 3702.305, I may rescind this variance at any time and for any reason.

If you have any questions regarding this variance, please contact Mahjabeen Qadir, Acting General Counsel, at 614-466-4882.

Sincerely,



Lance D. Himes
Interim Director of Health

cc: Dave Holston, Chief of the Office of Health Assurance and Licensure, ODH
Mahjabeen Qadir, Acting General Counsel, ODH