



COMMONWEALTH of VIRGINIA

Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner

Department of Health
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RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

September 12, 2014

Shanell Herbert, Administrator
Roanoke Medical Center for Women
1119 2nd Street SW
Roanoke, Virginia 24016

Dear Ms. Herbert:

**RE: Roanoke Medical Center for Women, Roanoke, Virginia:
Temporary Licensure Variance**

I am writing in response to your letter requesting approval of variances to specific sections of the *Regulations for the Licensure of Abortion Facilities* ("Regulations"). The Regulations, at 12VAC5-412-80 Allowable variances, permit temporary variances to abortion facility licensure regulations "when the standard or requirement poses an impractical hardship unique to the abortion facility and when a temporary variance to it would not endanger the safety or well-being of patients."

Roanoke Medical Center for Women seeks a variance to the Regulations at 12VAC5-412-370 and, more specifically, to the section(s) of the 2010 Guidelines for Design and Construction of Health Care Facilities of the Facilities Guidelines Institute listed below:

2010 Guidelines for Design and Construction of Health Care Facilities

Part 3; subsection 3.1-7 Design and Construction Requirements.

Roanoke Medical Center for Women has provided adequate information to establish that compliance with 12VAC5-412-370 would create an impractical hardship unique to the facility and that patient safety and patient well-being will not be endangered if a temporary variance is granted. Specifically, compliance with the construction standards will represent a prohibitive cost to the facility.

Roanoke Medical Center for Women has identified alternatives to meet the purpose of the specific regulation(s) to which the temporary variance is being sought that will ensure the protection and well-being of patients. In addition, Roanoke Medical Center for Women has developed a plan for the long-term compliance with the specific regulation(s) for which the

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temporary variance was sought. I am therefore granting a temporary variance, in accordance with 12VAC5-412-80, to the Regulations at 12VAC5-412-370 and, more specifically, to the section(s) of the 2010 Guidelines for Design and Construction of Health Care Facilities listed above. I am issuing this variance on the conditions that Roanoke Medical Center for Women continues to comply with all plans of correction and that information submitted in connection with the variance request is verified by Virginia Department of Health staff through inspection of pertinent documents. This temporary variance expires on April 30, 2015, when the license for Roanoke Medical Center for Women expires.

This temporary variance may be rescinded or modified if: (i) conditions change; (ii) additional information becomes known that alters the basis for the original decision; (iii) the abortion facility fails to meet any conditions attached to the temporary variance; or (iv) results of the temporary variance jeopardize the safety or well-being of patients. If this temporary variance expires or is rescinded, routine enforcement of the standard or requirement to which the temporary variance was granted shall be resumed. If you need further assistance or have questions about this variance, please contact Mr. Erik Bodin, Director, Office of Licensure and Certification by telephone at (804) 367-2102 or by email at Erik.Bodin@vdh.virginia.gov.

Sincerely,



Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner

CC: Erik Bodin, Director
Office of Licensure and Certification