




LOCAL

# Toledo abortion clinic granted new license



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| BLADE COLUMBUS BUREAU CHIEF 

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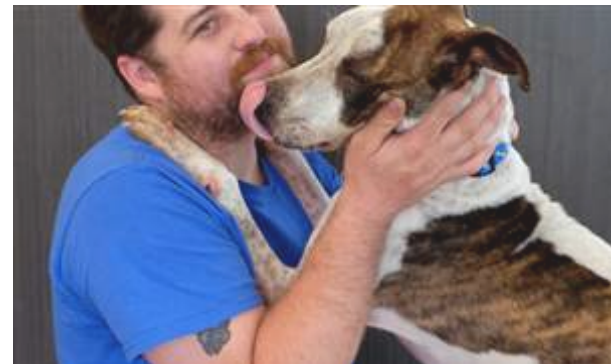
COLUMBUS —Toledo’s last abortion clinic has been quietly granted a new operating license by the state after the clinic struck an emergency transfer agreement with ProMedica.

The Ohio Department of Health issued the ambulatory-surgical facility license for Capital Care Network’s two operating rooms on Wednesday and retroactively applied it to May 8, the date of the clinic’s state inspection. The license will expire on May 31, 2019.



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The Ohio Supreme Court had refused to reconsider its decision upholding the Department of Health's authority to revoke the clinic's license for failure to have a mandatory written agreement in place with a local hospital to transfer patients in the event of a medical emergency.

After the court's decision, the clinic did arrange such an agreement with ProMedica Toledo Hospital.

"If it weren't for ProMedica, Capital Care would not have a license today," said Jennifer Branch, the clinic's Cincinnati attorney.

The clinic had stopped performing surgical abortions in the interim in the absence of a valid ambulatory surgical facility license but continued to perform medication-assisted abortions.

Its website stated medication-assisted abortions were available up to nine weeks, six days gestation. Patients past that point in their pregnancies were referred to abortion clinics elsewhere.

Ms. Branch said surgical abortions will resume as soon as possible.

"Toledo is a strong community with world-class health care provided by qualified professionals," said Kellie Copeland, executive director of NARAL Pro-Choice Ohio. "Northwest Ohio has great hospitals, doctors, and nurses.



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“Today, we’re proud to see it again as abortion care provided by a terrific team at Capital Care Network,” she said. “Toledo is a place that people travel to for excellent medical care, and this abortion clinic is a valuable part of those services.”

Capital Care had a transfer agreement in place with the University of Toledo Medical Center, the former Medical College of Ohio, but the school notified it several years ago that it would not renew the deal. Later state law prohibited publicly funded hospitals from entering into such an arrangement anyway.

The clinic’s owner, Terrie Hubbard, struggled to find a hospital willing to take UTMC’s place and went without a deal for several months. She eventually entered into a deal with the University of Michigan Health Center in Ann Arbor 50 some miles away, but the state rejected the arrangement because of the distance involved.

A message left with Ms. Hubbard was not returned on Wednesday.

Lawmakers later amended state law to define “local” hospital to mean one within a 30-mile radius of a clinic.

The state revoked the clinic’s license effective April 25 and said it would have to seek a new one based on the arrangement with ProMedica.

“It’s unfortunate that the health department believes that a clinic who has violated Ohio’s health laws for numerous years

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deserves to be licensed and remain open,” said Michael Gonidakis, president of Ohio Right to Life. “Capital Care was fined \$40,000 due to their own blatant disregard of Ohio’s health and safety standards.

“The health department has set a dangerous precedent that we fear will continue to put women and their children in harm’s way,” he said.

An administrative hearing is scheduled for June 27 on the clinic’s challenge to the fine levied by the department for alleged violations stemming from a surprise license inspection of the facility last year. The clinic was accused of failing to follow its own internal procedures for the transfer of a patient to Toledo Hospital for an ultrasound after suspected complications following an abortion.

“It has been a long, expensive, and frustrating process as the last abortion provider in the Toledo area fought to stay open,” said Ms. Branch, who has represented the clinic in its licensing fight for nearly five years.

“This is a victory for women who need access to safe and legal abortions, and a reminder that despite the odds, never give up,” she said.

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