



2839 Duke Street, Bldg III, Alexandria, VA 22314 • (703) 751-4702 • Fax : (703) 751-2983 • www.awfc.net

State Commissioner of Health
Office of Licensure and Certification
9960 Mayland KDrive #401
Henrico Va 23233

July 21, 2014

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RE Annandale Women And Family Center

Dear Commissioner

This letter serves as a request by Annandale Women and Family Center (AWFC) for a temporary variance pursuant to 12VAC5-412.90 of the regulation for Licensure of Abortion Facilities, 12 VAC 5-412 specifically Part VII related to design and construction titles "Local and State Codes and Standards" 12VAC5-412.370.

This healthcare provider is committed to providing high quality care to Virginia's women and takes medically appropriate measures to protect the safety of patients and to ensure that a standard of high quality of care is met. Consistent with the commitment to operate a facility that ensures that Virginia women have access to high quality reproductive health care, the health care provider AWFC has sought and received a license renewal to continue operating through April 30, 2015.

AWFC has taken steps to comply with 12VAC5-415 including getting an architectural study undertaken to study compliance with the regulations. AWFC has a construction estimate of \$150,000. to comply with such regulations.

Additionally, in 2012, AWFC submitted a detailed plan to bring the operation in full compliance. This plan reflects how patient are already protected.

AWFC requests a temporary variance because compliance with architectural requirements are meaningless with respect to patient safety and would impose high costs and burden.

While the impact on AWFC is unique to the facility, the facility's position with respect to Part VII is not unique. Indeed, it is shared by the head of Virginia's executive branch.

On May 11, 2014, Governor McAuliffe issued an Executive Directive in which he acknowledged that Part VII "placed unprecedented construction requirements on (abortion) facilities" and expressed concern that "these new restrictions may negatively impact women's access to necessary health services."

In addition to the Executive Directive, Part VII is under judicial review before the Circuit Court of Arlington County in Falls Church Healthcare Center v Virginia Board of Health, et al. The Court overruled a demurrer that had been filed by the Commonwealth and upheld the right of Falls Church Healthcare Center to be heard on its merits of its challenge to Part VII and other aspects of the emergency regulations adopted by the Board of Health. The case is scheduled to be heard Aug 2014.

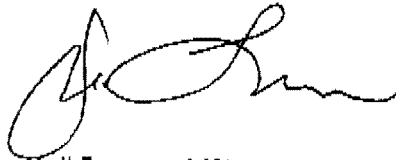
AWFC understands that this ongoing litigation may resolve whether undertaking compliance with Part VII is necessary and, at the very least, may provide additional guidance with respect to compliance.

In summary, it would be unreasonable to require AWFC to expend exorbitant sums of money that have no bearing on patient safety, care or services given the pendency of an Executive Directive and litigation that would render such expenditures unnecessary-expenditure that would undermine the principal purpose of AWFC to provide access to reproductive health services and to spend resources on medically appropriate means of assuring patient health and safety.

During the pendency of review to the initiated pursuant to Executive Directive and the litigation commenced, AWFC requests that this letter, its license renewal application, and its plan be deemed to satisfy the Guidance Document issued by the Virginia Department of Health Office of Licensure and Certification.

According, AWFC requests a grant of temporary variance for the facility until April 30,2015.

Sincerely,



Gail Frances, MSN
Practice Administrator

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ANNANDALE WOMEN AND FAMILY CENTER
 2839 DUKE ST
 ALEXANDRIA, VA 22314
 PH: (703) 751-4702
 FAX: (703) 751-2983

DATE: 8/1/14
 TIME: _____

FAX FROM: Gina Jones

FAX TO: Eric Podi

FROM FAX NUMBER: _____

TO FAX NUMBER: 804 527 4502

MESSAGE:

Addendum to letter
Please let me know if I need
to adjust or add anything -
Thank you so much for all your help -

TOTAL NUMBER OF PAGES:
 (INCLUDING COVER PAGE)

PLEASE CONFIRM RECEPTION OF FAX:

- YES CALL (703) 751-4702
- NO

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August 1, 2014
Erik Bodin
State Commissioner of Health
Office of Licensure and Certification
9960 Mayland Drive #401
Henrico, VA 23233

Dear Mr. Bodin

Please accept an addendum to our request for variance dated July 21, 2014:

The estimated cost of renovation made by our architectural firm, Cornerstone Architects, PLC, of Richmond, VA, is approximately \$150,000. It is estimated that the construction time would be approximately six months. Both the cost and the down time in construction resulting in loss of income; would be an estimated 100% of our gross income and would not be feasible for us to undertake.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Frances MSN", is written over a faint, illegible typed name.

Gail Frances MSN
Practice Administrator

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