



COMMONWEALTH of VIRGINIA

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

Department of Health
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RICHMOND, VA 23218

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1-800-828-1120

August 1, 2014

Michelle E. Nelson, Administrator
Virginia Women's Wellness
224 Groveland Road
Virginia Beach, Virginia

Dear Ms. Nelson:

**RE: Virginia Women's Wellness, Virginia Beach, Virginia: Temporary
Licensure Variance**

I am writing in response to your letter and subsequent supporting documentation 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."

Virginia Women's Wellness 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.

Virginia Women's Wellness 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.

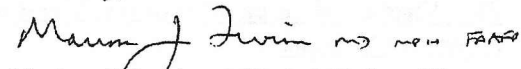
Virginia Women's Wellness has identified alternatives to meet the purpose of the specific regulation(s) to which the temporary variance is being sought ensuring the protection and well-being of patients. In addition, Virginia Women's Wellness has developed a plan for the long-

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term compliance with the specific regulation(s) for which the 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 Virginia Women's Wellness continue 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 Virginia Women's Wellness 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