



OHIO DEPARTMENT OF HEALTH

246 North High Street
Columbus, Ohio 43215

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www.odh.ohio.gov

John R. Kasich, Governor

Theodore E. Wymysio, M.D., Director of Health

January 16, 2013

Jennifer L. Branch, Esq.
Gerhardstein & Branch
432 Walnut Street, Suite 400
Cincinnati, OH 45202

Re: Facility ID# 0600AS, Women's Med Center of Dayton

Dear Ms. Branch:

This letter is in regard to Women's Med Center of Dayton's ("Women's Med") request for a continued variance to the state licensure rule 3701-83-19 (E) of the Ohio Administrative Code requiring that each ambulatory surgical facility have a written transfer agreement with a hospital for transfer of patients in the event of medical complications, emergency situations, and for other needs as they arise.

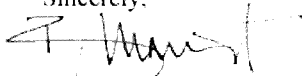
In December 2011 the department provided all Ohio ambulatory surgical facilities with a copy of a department operational procedure dated November 17, 2011, which specified that a request for a variance to the requirement of OAC 3701-83-19 (E) shall be in writing and shall, among other requirements, "specify the efforts the facility has made to obtain a written transfer agreement with a local hospital as required by that rule."

By letter dated October 9, 2012, I requested that Women's Med provide information regarding its efforts to obtain a written transfer agreement. By letter dated October 12, 2012, you responded and provided copies of written requests for a transfer agreement sent by Dr. Martin Haskell, Medical Director of Women's Med, to Southview hospital and Miami Valley hospital. At that time, you indicated that Women's Med had not received a response from either hospital.

In order for the department to continue its assessment of the variance request, please provide an update of the facility's efforts to obtain a written transfer agreement with those hospitals and copies of any responses received by Women's Med. In addition, please inform the department whether Women's Med made any efforts to obtain a written transfer agreement with Kettering Medical Center, which appears to be the closest hospital to Women's Med.

We appreciate your and your client's cooperation in providing documentation and information to process this request and look forward to receiving this information. Any questions pertaining to this letter may be directed to me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Maust". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke extending to the right.

Rebecca Maust
Chief, Division of Quality Assurance