



Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

November 2, 2011

Teresa Woody, Esq.  
The Woody Law Firm  
1621 Baltimore Avenue  
Kansas City, Missouri 64108

By e-mail, USPS First Class

RE: Center for Women's Health  
In the Matter of Application for a License to Operate an Abortion Facility

Ms. Woody:

Again, thank you for your response to my letter of October 28<sup>th</sup>.

As you are now aware, KDHE will not be able to grant your client any waivers to requirements in the permanent regulations that will become effective November 14, 2011. KDHE is required to ensure that facilities are "in compliance with all applicable laws and rules and regulations." No provision in the statute permits KDHE to grant a license to a facility that is in partial or even substantial compliance. Only complete compliance is acceptable.

Regarding your specific comment pertaining to the registration of facilities with the Kansas State Board of Pharmacy, a facility will need to fill out an application for pharmacy registration with the board. The application is found on the board's webpage at [www.kansas.gov/pharmacy](http://www.kansas.gov/pharmacy) under the link for applications and forms. The pharmacy application asks for the type of facility. The facility would mark ambulatory surgery center. Once the board receives the application, an inspector will survey the facility for drug storage and security, etc. According to the board, a facility can usually be registered within two to three days if the facility provides a completed application. Should you have specific questions regarding this registration, may I suggest that you contact directly the Kansas State Board of Pharmacy.

Should you have further questions, please feel free to contact me.

Respectfully,

A handwritten signature in cursive script that reads "Paul Gerard Marx".

Paul Gerard Marx  
Associate Chief Counsel – Health Legal Group  
Office of Legal Services, KDHE

C: Timothy E. Keck, Esq., Deputy Chief Counsel, KDHE  
Rachel Berroth, Interim Director, KDHE Bureau of Child Care and Health Facilities Licensing  
Robert W. Ramsdell, Esq., Thompson Ramsdell & Qualseth, PA