



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL**

Matthew G. Bevin
Governor

275 E. Main Street, 5 E-A
Frankfort, Kentucky 40621-0001
(502) 564-2888
Fax: (502) 564-6546
<http://chfs.ky.gov/os/oig>

Vickie Yates Brown Glisson
Secretary

Stephanie Hold
Acting Inspector General

January 28, 2016

LaToya Rose, Director
Planned Parenthood of Indiana and Kentucky
842 South 7th Street
Louisville, Kentucky 40203

Re: License application number 59040
Via Facsimile (502) 657-0228 and Certified Mail

The Office of Inspector General is in receipt of the application of Planned Parenthood of Indiana and Kentucky (Planned Parenthood) for an abortion facility license at 842 South 7th Street, Louisville, Kentucky. This Office received the application on November 19, 2015 and has examined it for compliance with 902 KAR 20:360, KRS 216B and KRS Chapter 311. By this letter we are informing you that our initial review of the application indicates that it is deficient for multiple reasons.

In accordance with KRS 216B.0435 and 902 KAR 20:360, the abortion facility is required to enter into written agreements with an acute care hospital and a local ambulance service, and shall file the agreements with the Cabinet for Health and Family Services (Cabinet). The agreements filed with the application are deficient.

The agreement with the acute care hospital must be with a hospital capable of treating a patient with unforeseen complications relating to the abortion procedure and the hospital must agree to accept and treat the patient. Planned Parenthood included a document titled "Transfer Agreement between Department of Obstetrics, Gynecology and Women's Health and Planned Parenthood of Indiana and Kentucky, Inc." The agreement does not identify the acute care hospital, does not reference the Planned Parenthood location at 842 South 7th Street, and does not obligate the hospital to treat the patient as contemplated under KRS 216B.0435. Sharmila Makhija signed the agreement on January 16, 2014, nearly two years before the November 18, 2015 license application. The agreement does not include Ms. Makhija's title, authority, or hospital affiliation, and incorrectly notes the "Receiving Entity" is Ruby D. Fenton, who apparently is a lawyer with the law firm Tilford Dobbins Alexander, PLLC. The agreement is also deficient because the purported hospital has not agreed to unconditional acceptance of patients with unforeseen complications from the abortion procedure. Rather, acceptance of transfer is expressly conditioned on bed availability, staff

availability, and service availability. The conditional terms nullify the purpose of the agreement in contravention of KRS 216B.0435.

In a similar manner, the agreement with a local ambulance service (service) must obligate the service to accept a patient with unforeseen complications related to the abortion procedure and to transport the patient to the acute care hospital identified in the transfer agreement referenced above. The application includes a letter dated October 7, 2013 from Neal J. Richmond, M.D., FACEP, Chief Executive Officer of Louisville Metro EMS (LMEMS). The letter recites basic emergency run protocol and states, "LMEMS ensures response, on an emergency basis, to requests for service from Planned Parenthood of Indiana and Kentucky's Louisville Health Center facility at 1025 S. Second Street (Louisville, KY) in the same manner we would respond to requests for service from other similar facilities located in Louisville Metro." This document is not an agreement contemplated under KRS 216B.0435 and is not in reference to the location at 842 South 7th Street. Similarly, the letter does not obligate the ambulance provider to respond to a request to transport a patient with "unforeseen complications related to an abortion facility procedure" to the acute care hospital identified on the transfer agreement. Consequently, this document is deficient and is not in compliance with KRS 216B.0435

The absence of adequate written agreements with an acute care hospital and a local ambulance service prevent us from continuing our review of your application at this time. Therefore, this Office has determined that Planned Parenthood is not in compliance with standards for an abortion facility and is not authorized to provide abortion services. In accordance with KRS 216B.105(5), no person shall operate any health facility in the Commonwealth of Kentucky without first obtaining a license specifying the kind or kinds of health services the facility is authorized to provide. Following your submission of written agreements in compliance with KRS 216B.0435, we will continue our review of your application. The facility at 842 South 7th Street is not permitted to perform the abortion procedure until a license is issued following an inspection of your facility and shall cease and desist any such activity. Please note that any violation of KRS Chapter 216B regarding the abortion facility, by intent, fraud, deceit, unlawful design, willful and deliberate misrepresentation, or by careless, negligent, or incautious disregard for the statute or administrative regulation, either by persons acting individually or in concert with others, shall constitute a violation and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day of continuing violation shall be considered a separate offense. See, KRS 216B.990(6).

Sincerely,



Stephanie Hold
Acting Inspector General

cc: Carole Christian, Esq.
cchristian@wyattfirm.com