
GERHARDSTEIN & BRANCH

A LEGAL PROFESSIONAL ASSOCIATION

CAREW TOWER
441 VINE STREET, SUITE 3400
CINCINNATI, OHIO 45202
TELEPHONE: (513) 621-9100
FACSIMILE: (513) 345-5543

*ALPHONSE A. GERHARDSTEIN
JENNIFER L. BRANCH
JANAYA TROTTER BRATTON
M. CAROLINE HYATT

Of Counsel
ROBERT F. LAUFMAN

**Also admitted in
Minnesota*

June 26, 2019

Mr. James Hodge
Bureau Chief
Ohio Department of Health
246 North High Street
Columbus, OH 43215

Re: Women's Med Center Dayton
Revised Request for Variance to the Hospital Transfer Agreement Requirement

Dear Mr. Hodge:

I represent Women's Med Group Professional Corporation and Women's Med Center Dayton ("WMCD"). I am writing to submit a revised request for a variance of O.R.C. § 3702.303 which requires WMCD to have a written transfer agreement with a local hospital. WMCD has requested a written transfer agreement with all the local hospitals but none have agreed to provide a WTA. All the local hospitals are Catholic or religious based. This revised request supplements the request that was made on July 31, 2018 (attached).


The Director of the Department of Health denied WMCD's July 31, 2018 request for a variance because "WMC's provision of only three named backup physicians does not meet my expectation that a variance provide the same level of patient health and safety that a written transfer agreement with a local hospital assures for 24/7 back-up coverage." As of June 24, 2019, a fourth physician with admitting privileges at Miami Valley Hospital has agreed to be a backup physician to admit WMCD's patients to the hospital if necessary (see attachments).

This revised variance request is a good faith attempt to comply with ODH's November 17, 2011 protocol and O.R.C. § 3702.303. WMCD has not been informed by ODH of any additional rules or regulations that apply to a variance request. If ODH implements any additional rules, I request that ODH notify me.

Mr. Hodge
June 26, 2019
Page 2 of 2

If you need any additional information or have any questions, please contact me at the address and phone number above, or by email to jbranch@gbfirm.com.

Sincerely,



Jennifer L. Branch

CC: Heather Coglianese
Tiffany Carwile

Encls. Variance Request with all attachments dated July 31, 2018 (00001-27)
ODH Denial of Variance Request dated September 28, 2018 (000028-29)
Dr. Dunn's Back-up physician agreement (000030-33)
Exhibit A - Miami Valley Hospital Privileges for Dr. Dunn
Exhibit B - Dr. Dunn's Notice to Miami Valley Hospital
Verification of Dr. Dunn's status of license with the Ohio Medical Board (000034)

GERHARDSTEIN & BRANCH

A LEGAL PROFESSIONAL ASSOCIATION

CAREW TOWER
441 VINE STREET, SUITE 3400
CINCINNATI, OHIO 45202
TELEPHONE: (513) 621-9100
FACSIMILE: (513) 345-5543

*ALPHONSE A. GERHARDSTEIN
JENNIFER L. BRANCH
*ADAM G. GERHARDSTEIN
JANAYA TROTTER BRATTON

Of Counsel
ROBERT F. LAUFMAN

**Also admitted in
Minnesota*

July 31, 2018

Mr. Dave Holston, Chief
Office of Health Assurance and Licensing
Ohio Department of Health
246 North High Street
Columbus, OH 43215

Re: Women's Med Center Dayton
Request for Variance to the Hospital Transfer Agreement Requirement

Dear Mr. Holston:

I represent Women's Med Group Professional Corporation and Women's Med Center Dayton ("WMCD"). I am writing to request a variance for 2018 of O.R.C. § 3702.303 which requires ASFs have a written transfer agreement ("WTA") with a local hospital. WMCD has requested a written transfer agreement with all the local hospitals but none have agreed to provide a WTA.

WMCD has contracted with Drs. Barhan, Duke, and Yaklic to provide backup physician services (Attachment 1). Since Director Hodges denied WMCD's 2015 variance request, WMCD has been trying to obtain a fourth backup physician, but has been unable to locate a fourth doctor. WMCD also has a contract with Wright State Physicians Women's Health Care ("WSPWHC") to provide back-up coverage. (Attachment 2). The three physicians have admitting privileges at Miami Valley Hospital and have agreed to exercise those privileges to provide for the continuity of care and the timely, unimpeded acceptance and admission of PPSWO's emergency patients.

WMCD continues to have the same patient hospital transfer policy (Attachment 3) in order to ensure continuity of care for any patient who may need to be transferred to a hospital.

As is explained in more detail below, WMCD's alternative to a written transfer agreement provides patients with the same level of safety and protection as a written transfer agreement would provide. For these reasons, WMCD requests a variance from the WTA requirement.

Drs. Barhan, Duke, and Yaklic are credentialed with admitting privileges in Obstetrics and Gynecology without restrictions at Miami Valley Hospital and will arrange patient admission and care for each patient needing medical services according to each patient's need. Drs. Barhan, Duke, and Yaklic have agreed to exercise those privileges to provide for the continuity of care and the timely, unimpeded acceptance and admission of WMCD's patients.

WMCD's alternative to a written transfer agreement satisfies ODH's November 17, 2011 protocol and the provisions of HB 59 as follows:

- a. The attached contract complies with the requirements in ODH's protocol. WMCD has a written policy ensuring coverage by the backup physicians who can admit patients to a hospital in the event that a patient experiences a surgical complication, an emergency, or other medical need and needs to be transferred from WMCD to the hospital. (Attachment 3). Drs. Barhan, Duke, and Yaklic's offices are located 5 minutes away from MVH by car.
- b. Drs. Barhan, Duke, and Yaklic currently have active status with the Ohio Medical Board and possess a current medical license. (Attachment 4).
- c. Neither Drs. Barhan, Duke, nor Yaklic have had any actions taken against them by the Ohio State Medical Board for violations of R.C. § 4731.22 according to their agreement with the facility. Nor does any physician have a pending action or a complaint under review by the Ohio State Medical Board for violations of R.C. § 4731.22 according to their agreement with the facility. (Attachment 4).
- d. All backup physicians are credentialed with admitting privileges in Gynecology without restrictions at Miami Valley Hospital. This has been verified the physicians in the contract and in the attached credentials. (Attachment 5). Furthermore, the physicians have notified MVH that the group is consulting for WMCD and that it has agreed to provide backup services. (See Exhibit A to Attachment 1).
- e. Drs. Barhan, Duke, and Yaklic agreed in the contract to immediately inform WMCD of any circumstances that may impact their ability to provide for continuity of care and the timely, unimpeded acceptance and admission of the WMCD's emergency patients.
- f. Drs. Barhan, Duke, and Yaklic are familiar with WMCD and its operations and its policy. The contract verifies this.

- g. Drs. Barhan, Duke, and Yaklic have verified that there is practically no travel time from the WSPWHC office to the hospital. The travel time is 5 minutes by car.
- h. The facility's written policy explains how the attending physician will use the back-up physicians to admit patients to a local hospital in an emergency, complication, or other medical need. The policy includes a plan which ensures that a substitute doctor is available to admit patients to local hospitals in the event the named backup physicians are temporarily unavailable and unable to admit patients to local hospitals.
- i. Drs. Barhan, Duke, and Yaklic agree they have access to and will use MVH's on-call consulting/referral physicians outside WSPWHC's area of specialty/expertise, if necessary.
- j. See i above.
- k. WMCD's written protocol ensures that a copy of the patient's medical record is transmitted contemporaneously with the patient to hospital.

This variance request is a good faith attempt to comply with ODH's November 17, 2011 protocol and O.R.C. § 3702.303. WMCD has not been informed by ODH of any additional rules or regulations that apply to a variance request. If ODH implements any additional rules, WMCD requests ODH to notify WMCD.

If you need any additional information or have any questions, please contact me at the address and phone number above, or by email to jbranch@gbfirm.com.

Sincerely,



Jennifer L. Branch

C: Heather Coglianese

Encls. Attachment 1 Back-up physician agreement
Attachment 2 WSPWHC agreement
Attachment 3 WMCD Back-up Physician and Hospital Transfer protocol
Attachment 4 Verification of status of license with the Ohio Medical Board
Attachment 5 Miami Valley Hospital Privileges

BACK-UP PHYSICIAN SERVICES AGREEMENT

This Back-Up Physician Services Agreement ("Agreement") is effective as of July 24, 2015 ("Effective Date"), by and between Women's Med Professional Corporation, an Ohio professional corporation, ("WMPC") and Janice Duke, M.D., Sheela Barhan, M.D., and Dr. Jerome Yaklic, M.D. ("Physicians").

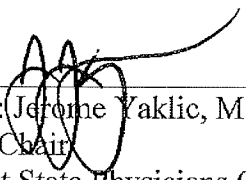
1. Dr. Janice Duke, Dr. Sheela Barhan, and Dr. Jerome Yaklic agree to be back-up physicians for WMPC. Physicians agree to provide 24/7 emergency back-up hospital admission for WMPC's patients in the event of surgical complication, emergency situations, or other medical needs that request a level of service beyond the capability of WMPC. In the event that any Physician is not on call at the time admission is needed he or she will insure that coverage is provided by the other physicians who provide coverage for them in their medical practice, Wright State Physicians Obstetrics & Gynecology ("WSP Ob/Gyn").
2. Wright State Physicians Obstetrics & Gynecology is the faculty practice plan for the department of Obstetrics and Gynecology responsible for overseeing the ACGME accredited education and training for resident physicians at the Miami Valley Hospital. As part of WSP Ob/Gyn's responsibility for the resident training program, it provides a supervising physician in the hospital 24 hours 365 days a year. All of the on-call physicians in WSP Ob/Gyn's group are board certified or board eligible in Obstetrics and Gynecology, have active Ohio medical licenses and have admitting privileges at Miami Valley Hospital as a requisite for membership in the department. The Physicians are members of Wright State Physicians, Inc. ("WSP"), the nonprofit corporation that oversees WSP Ob/Gyn.
3. Dr. Duke, Dr. Barhan, and Dr. Yaklic agree they each have admitting privileges at Miami Valley Hospital in Dayton, Ohio and will exercise those privileges to provide for the continuity of care and the timely, unimpeded acceptance and admission of WMPC's patients. Copies of Physicians admitting privilege credentials are attached as Exhibit A.
4. Dr. Duke attests that the following statements are true:
 - a. I am licensed to practice medicine in Ohio.
 - b. I am familiar with WMPC and its operations.
 - c. I agree to provide WMPC notice of any changes in my ability to provide back-up coverage.
 - d. The travel time from my main office to Miami Valley Hospital is approximately 5 minutes by foot.

5. Dr. Barhan attests that the following statements are true:
 - a. I am licensed to practice medicine in Ohio.
 - b. I am familiar with WMPC and its operations.
 - c. I agree to provide WMPC notice of any changes in my ability to provide back-up coverage.
 - d. The travel time from my main office to Miami Valley Hospital is approximately 5 minutes by foot.
6. Dr. Yaklic attests that the following statements are true:
 - a. I am licensed to practice medicine in Ohio.
 - b. I am familiar with WMPC and its operations.
 - c. I agree to provide WMPC notice of any changes in my ability to provide back-up coverage.
 - d. The travel time from my main office to Miami Valley Hospital is approximately 5 minutes by foot.
7. The Physicians verily that
 - a. Each has told WMPC that her/his specialty is Obstetrics and Gynecology.
 - b. WMPC may contact Physicians by calling Match MD, telephone number 866-200-1935, and asking for the *doctor on call*.
 - c. Each has informed Miami Valley Hospital that she/he is consulting for WMPC and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary. Copies of Physician's notice to the hospital are attached as Exhibit B.
8. The Physicians agree they are licensed to practice medicine in Ohio and will alert WMPC within 24 hours if their active status to practice medicine in Ohio changes.
9. The Physicians agree that no disciplinary actions have been taken against them and that no complaints are under review by the Ohio State Medical Board for violations of R.C. §4731.22. The Physicians agree to alert WMPC within 24 hours if an action is taken against any of them by the Ohio State Medical Board.
10. The Physicians agree they are credentialed with admitting privileges in Obstetrics and Gynecology without restrictions at Miami Valley Hospital in Dayton, Ohio. Any one Physician or their practice WSP Ob/Gyn will arrange patient admission and care for each patient needing medical services according to each patient's need.
11. Physicians agree to immediately and without delay inform WMPC of any circumstances that may impact their ability to provide for continuity of care and the timely, unimpeded acceptance and admission of the WMPC's patients.
12. If Physicians experience any planned or unplanned absence from the locale for one business day *where coverage will not be available* through another member of their group, WSP Ob/Gyn, they agree to provide WMPC with notice before such date or as soon as practicable (if the absence is

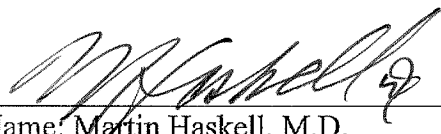
unplanned) or three business days before such date or as soon as practicable (if the absence is planned in advance).

13. The Physicians agree they have access to and will use Miami Valley Hospital's on-call consulting/referral physicians outside of their area of specialty/expertise, if necessary.
14. WMPC agrees to provide the Physicians with the patient's name, reason for referral, current medical condition and the means of transport to the hospital.
15. WMPC agrees to send to the hospital with the patient a copy of all patient records.
16. This agreement may only be modified in writing.
17. This agreement may be terminated without cause after thirty (30) days written notice is provided to the parties.

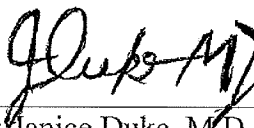
The parties have executed this Agreement by each or their authorized representatives.



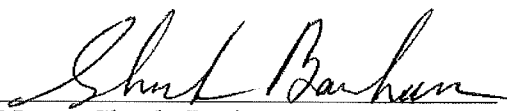
Name: Jerome Yaklic, M.D.
Title: Chair
Wright State Physicians Ob/Gyn



Name: Martin Haskell, M.D.
Title: Medical Director
Women's Med Professional Corporation



Name: Janice Duke, M.D.
Title: Physician
Wright State Physicians



Name: Sheela Barhan, M.D.
Title: Physician
Wright State Physicians

Mark Shaker
President and Chief Executive Officer
Miami Valley Hospital

7/24/2015

Re: Back-up Agreement with Women's Medical Center of Dayton

Dear Mr. Shaker,

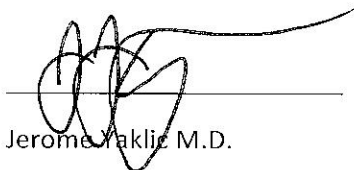
We are required to notify our hospital administration of a back-up agreement with the Women's Medical Center of Dayton. Sheela Barhan M.D., Janice Duke M.D., and Jerome Yaklic M.D. are serving as consulting physicians for Women's Medical Center of Dayton. We will be consulted when medical care is needed that is beyond the scope of that which the Women's Medical Center of Dayton can provide. Patients treated at the Women's Medical Center who require hospitalization will be admitted by us or a covering member of our practice for care.

A handwritten signature in black ink, appearing to read "Sheela Barhan", written over a horizontal line.

Sheela Barhan M.D

A handwritten signature in black ink, appearing to read "Janice Duke MD", written over a horizontal line.

Janice Duke M.D.

A handwritten signature in black ink, appearing to read "Jerome Yaklic", written over a horizontal line.

Jerome Yaklic M.D.

BACK-UP PHYSICIAN SERVICES AGREEMENT

11/1/2013
NOVEMBER 2013 This Back-Up Physician Services Agreement ("Agreement") is effective as of 2013 ("Effective Date"), by and between Women's Med Professional Corporation, an Ohio professional corporation, ("WMPC") and Wright State Physicians Women's Health Care ("WSPWHC").


1. Wright State Physicians Women's Health Care is the faculty department of Obstetrics and Gynecology for the Wright State University Boonshoft School of Medicine overseeing the ACGME-accredited education and training for resident physicians at Miami Valley Hospital ("MVH") in Dayton, Ohio. Part of our responsibility for the resident training program is to provide a supervising physician in the hospital 24 hours 365 days a year. All of the physicians in our group are board certified or board eligible in Obstetrics and Gynecology, have active Ohio medical licenses and have admitting privileges at Miami Valley Hospital as a requisite for membership in our department.
2. WSPWHC agrees its physicians are credentialed with admitting privileges in Obstetrics and Gynecology without restrictions at MVH and will arrange patient admission and care for each patient needing medical services according to each patient's need.
3. WSPWHC agrees to provide 24/7 emergency hospital admission as the admitting physician for WMPC's patients in the event of surgical complications, emergency situations, or other medical needs that require a level of service beyond the capability of WMPC.
4. WSPWHC attests that the following statements are true:
 - a. its physicians are licensed to practice medicine in Ohio and will alert WMPC within 24 hours if any physicians' active status to practice medicine in Ohio changes;
 - b. its physicians are familiar with WMPC and its operations;
 - c. its physicians agree to provide WMPC notice of any changes in their ability to provide back-up coverage; and
 - d. the travel time from WSPWHC main offices to MVH is approximately 5 minutes by foot as we are located on the MVH Campus located in downtown Dayton. After the office is closed, physicians on call for the practice are within 30 minutes of Miami Valley Hospital and will respond within this time frame if needed.

5. WSPWHC verifies that:
 - a. it has told WMPC that its physicians' specialty is Obstetrics and Gynecology;
 - b. WMPC may contact WSPWHC by calling the office telephone number 937.208.6810 during the hours of 8:30am and 4:30 pm and ask to speak to the *private office doctor on call* regarding any question related to or the transportation needs of a patient. During non-office hours, call the answering service, Match MD, telephone number 866.200.1935 and ask for the *private office doctor on call*; and
 - c. WSPWHC has informed MVH that its physicians are consulting for WMPC and have agreed to provide back-up coverage for the facility when medical or surgical complications arise for WMPC patients
6. WSPWHC agrees that no disciplinary actions have been taken against any of its physicians and that no complaints are under review by the Ohio State Medical Board for violations of R.C. § 4731.22. WSPWHC agrees to alert WMPC within 24 hours if an action is taken against any of its physicians by the Ohio State Medical Board.
7. WSPWHC agrees to immediately and without delay inform WMPC of any circumstances that may impact its physicians' ability to provide for continuity of care and the timely, unimpeded acceptance and admission of the WMPC's patients.
8. If all WSPWHC physicians experience any planned or unplanned absence from the locale for one business day, WSPWHC agrees to provide WMPC with notice before such date or as soon as practicable (if the absence is unplanned) or three business days before such date or as soon as practical (if the absence is planned in advance).
9. WSPWHC agrees it has access to and will use MVH's on-call consulting/referral physicians outside WSPWHC's area of specialty/expertise, if necessary.
10. WMPC agrees to provide WSPWHC with the patient's name, reason for referral, current medical condition and the means of transport to the hospital.
11. WMPC agrees to send to the hospital with the patient a copy of all patient records.
12. This agreement may only be modified in writing.
13. This agreement may be terminated without cause after thirty (30) days written notice is provided to the parties.


The parties have executed this Agreement by each of their authorized representatives.

Wright State Physicians Women's Health Care

Women's Med Professional Corporation


Name: Sheela Barhan, M.D.
Title: Physician


Name: Martin Haskell, M.D.
Title: Medical Director


Alan P. Marco, M.D.
Title: President and CEO
Wright State Physicians

E. Emergency Medical Protocol

1. Initial Response

Upon recognition of a suspected emergency, Nursing Staff summons the Head Nurse, the attending physician and immediately surrounding personnel using any means available (paging system, intercom, telling a nearby employee).

Nursing staffs' priorities are to

- a) protect the patient from further injury (make sure the patient will not fall),
- b) summon assistance
- c) assist the patient according to each staff member's capability
- d) assist licensed staff as they arrive

Physicians respond to requests for assistance immediately upon being notified that there is a possible emergency.

However, if a physician has started a surgery, he or she completes the surgery at hand before responding. The physician defers recording the completed surgery until the emergency is under control or has been triaged successfully.

Attachment 3

1. Attending Physician

The attending physician is responsible for the patient outcome and has the authority and prerogative to direct the care of the patient including whether to transfer care to another physician and/or hospital. The attending physician has the prerogative to:

- a. choose to continue his or her care at another facility or hospital;
- b. refer the patient to a consultant of his or her choosing;
- c. refer the patient to one of the Center's backup physicians (list and contact information available on the company intranet).

The attending physician performs, directs and/or coordinates the following responses to a medical emergency in order of priority:

- 1) Declares that a medical emergency or need for transfer exists and has the in charge nurse summoned to the patient care area.
- 2) Provides immediate support to the emergency until adequate personnel are present and can step back.
- 3) Directs the medical response and assures that the patient is receiving the appropriate medical care.
- 4) Directs the in charge nurse to summon appropriate personnel and/or transport for the patient and assist in the medical response.
- 5) Communicates the nature of the emergency and care plan with the family as soon as practical without endangering the patient's safety.

2. Charge Nurse

The in-charge nurse on duty manages and coordinates the center's response to the emergency, subject to the direction of the attending physician.

In conducting the center's response, the in charge nurse conducts herself in a calm and reassuring manner towards other staff, patients and visitors. When delegating tasks, she instructs each person to whom a task is assigned to act in a calm and professional manner.

The in charge nurse performs the following tasks in this order of priority:

- 1) Provides immediate support to the emergency until adequate personnel are present that the nurse can step back.
- 2) Directs personnel to assist in managing the patient's medical care and obtain appropriate equipment as conditions warrant.
- 3) Talks with the patient's family/visitors and explains the circumstances and plan to them; takes them to wait with the patient if circumstances warrant.
- 4) Calls or directs someone to call the Medical Director if not present.

3. Nursing Staff

After ensuring that any patient under their direct care has been appropriately transferred to the care of another staff member, nursing staff (other RNs, LPNs, Medical Assistants) respond to the site of the emergency and provide assistance as directed by the in charge nurse or physician.

H. Hospital Transfer Protocol

1. Overview

Transfer of a patient to a hospital for a successful outcome requires the actions of several staff members performing their duties in a coordinated and seamless fashion.

In summary:

Position	Duties
Attending Physician	Requests transport Communicates with receiving physician and ER physician Completes and prints detailed note in EMR of problem and care delivered Provides care instructions to transport crew Communicates with patient's visitors reason for transport
Charge Nurse	Calls 911 Notifies Reception Charge Person that an ambulance has been called Communicates with patient's visitors that an ambulance has been called Provides care instructions to transport crew Accompanies patient to hospital if requested by attending physician or ambulance crew
Reception Charge Person	Directs someone to greet ambulance and accompany them to surgery area Directs someone to move visitors from immediate area of entrance and path to surgery area Locates patient's visitors and moves them to a private room

1. Attending Physician

The attending physician is responsible for the patient outcome and has the authority and prerogative to direct the care of the patient including choice of physician and/or hospital to which the patient will be transferred if indicated. The attending physician has the prerogative to:

- a. choose to continue his or her care at another facility or hospital;
- b. refer the patient to a consultant of his or her choosing;
- c. refer the patient to one of the Center's backup physicians (list and contact information available on the company intranet).

The attending physician performs, directs and/or coordinates the following responses to transfer a patient:

- 1) Directs the in charge nurse to summon transport for the patient and assist in the medical response.
- 2) Unless the attending physician will be continuing the care himself or herself, contacts the physician who will be assuming care of the patient by phone or other verbal means of communication and provides the necessary medical information and history for the receiving physician to appropriately assume care of the patient.
- 3) In the event the attending physician wishes to use the Center's backup physicians and in the unlikely event that all the backup physicians are unavailable, the attending physician contacts the Medical Director for assistance in obtaining a receiving physician from the Medical Director's network of physician contacts.
- 4) Contacts the receiving Emergency Room physician and provides all necessary medical information and history for the physician to appropriately care for the patient until the receiving physician arrives.
- 5) Prepares a detailed note in the patient EMR of the nature of the emergency, physical findings, the care given, the order for transfer and the patient's condition at the time of transport.

- 6) Directs that a complete copy of the patient's Visit Note be printed and given to the ambulance crew to transport to the emergency room with the patient.
- 7) Provides instructions to the ambulance crew to appropriately care for the patient while in transit, or alternatively accompanies or directs a nurse to accompany the patient in the ambulance if the patient's condition is grave or requires ongoing medical care beyond the scope of the transport crew.
- 8) Communicates the nature of the emergency and care plan with the family as soon as practical without endangering the patient's safety.

2. Charge Nurse

The in charge nurse performs the following tasks in this order of priority:

- 1) Upon direction of the attending physician, calls 911 requesting an ambulance and describing the nature of the emergency.
- 2) Calls or directs someone to call the in-charge person for the front desk/reception/waiting areas, notifying them that an ambulance has been called.
- 3) Directs someone to move patients and visitors in the surgical area into areas where they will not observe the ambulance crew entering or leaving (patient privacy), and to advise them in a calm, reassuring manner that we have an emergency and are expecting an ambulance.
- 4) Talks with the patient's family/visitors and explains the circumstances and plan to them; takes them to wait with the patient if circumstances warrant.
- 5) Directs the ambulance crew to take the patient to the hospital designated by the attending physician.
- 6) Insures that the crew has a copy of the patient's medical record in an envelope with the receiving hospital's name, receiving physician's name and reason for transfer prominently written on the outside of the envelope containing the medical record.

- 7) If requested by the attending physician, accompanies or directs a nurse to accompany the patient to the hospital with the patient's belongings and a copy of the record, and to relate to the hospital emergency room personnel the nature of the patient's emergency, circumstances surrounding the emergency and the care given.

3. Front Desk Charge Person

The person in charge of the front desk/waiting/reception areas, upon learning of a medical emergency, directs and coordinates the following responses in order of priority:

- 1) Directs someone to wait at the building entrance for the ambulance crew and leads them to the surgical area.
- 2) Directs someone to move visitors in the waiting reception areas so as to provide an unobstructed path for the ambulance crew; insofar as possible, visitors should be moved to a location out of the view of the entering and exiting ambulance crew; these activities should be conducted in a calm reassuring manner.
- 3) Locates any visitors that accompanied the patient and takes them to a private room; explains that the patient is being transported to a hospital and that a member of the medical/nursing staff will come down and explain the situation when the patient's condition permits.

License Look Up

7/30/2018 2:22 PM

SHEELA MADHAV BARHAN

Status	Active
Sub-Status	
Board	Medical Board
License Type	Doctor of Medicine (MD)
License Number	35.070345
License Issue Date	05/08/1996
License Expiration Date	07/01/2019
License Effective Date	07/02/2017
City	BEAVERCREEK
State	OH
Country	United States
Board Action	No

Board Action Details

Supervised By:

Name	License Number	License Type	License Status	Practice Location Type	Agreement Name	Agreement Effective Date	Agreement Expiration Date
SHEELA BARHAN	35.070345	Doctor of Medicine (MD)	Active		SA-002579	Wed Jan 31 00:00:00 GMT 2018	Fri Jan 31 00:00:00 GMT 2020

Current date & time: **7/30/2018 2:22 PM**

Disclaimer: The Joint Commission and NCQA consider on-line status information as fulfilling the primary source verification requirement for verification of licensure in compliance with their respective credentialing standards.

License Look Up

7/30/2018 2:24 PM

Jerome Lumetta Yaklic

Status	Active
Sub-Status	
Board	Medical Board
License Type	Doctor of Medicine (MD)
License Number	35.075267
License Issue Date	09/25/1998
License Expiration Date	10/01/2019
License Effective Date	10/02/2017
City	Washington Twp
State	OH
Country	United States
Board Action	No

Board Action Details

Supervised By:

Name	License Number	License Type	License Status	Practice Location Type	Agreement Name	Agreement Effective Date	Agreement Expiration Date
Jerome Yaklic	35.075267	Doctor of Medicine (MD)	Active	Hospital	SA-002178	Sun Feb 01 00:00:00 GMT 2015	Fri Aug 31 00:00:00 GMT 2018

Current date & time: **7/30/2018 2:24 PM**

Disclaimer: The Joint Commission and NCQA consider on-line status information as fulfilling the primary source verification requirement for verification of licensure in compliance with their respective credentialing standards.

License Look Up

7/30/2018 2:25 PM

JANICE MOSNY DUKE

Status	Active
Sub-Status	
Board	Medical Board
License Type	Doctor of Medicine (MD)
License Number	35.073011
License Issue Date	09/02/1997
License Expiration Date	04/01/2019
License Effective Date	04/02/2017
City	KETTERING
State	OH
Country	
Board Action	No

Board Action Details

Supervised By:

Current date & time: **7/30/2018 2:25 PM**

Disclaimer: The Joint Commission and NCQA consider on-line status information as fulfilling the primary source verification requirement for verification of licensure in compliance with their respective credentialing standards.



June 8, 2018

Cathy Crabtree
Good Samaritan Hospital
2222 Philadelphia Drive
Dayton, OH 45406



RE: Sheela M Barhan, MD, NPI#: 1093771453

To Whom It May Concern:

This letter is to respond to your request for primary source verification regarding the status of the above-referenced practitioner at the locations referenced below. Please note the following information:

Good Samaritan Hospital

Affiliation Dates	Specialty	Staff Category	Status
7/18/1997-12/21/1999	Obstetrics & Gynecology	Resignation	Good Standing

Miami Valley Hospital

Affiliation Dates	Specialty	Staff Category	Status
11/26/1996-3/30/2020	Obstetrics & Gynecology	Active (Voting)	Good Standing

"Good Standing" means as follows:

1. Our Hospital evaluates the six ACGME general competencies (patient care, medical/clinical knowledge, interpersonal and communication skills, professionalism, practice-based learning, and system-based practice) as part of our appointment, reappointment, and privileging processes; and
2. **No adverse professional review action** as defined in the Health Care Quality Improvement Act has been taken regarding this practitioner. This means that there are no current reductions, restrictions, suspensions, revocations, denials, or non-renewal of the practitioner's staff membership or clinical privileges. For purposes of this letter, a **"restriction"** is defined to mean that a mandatory concurring consultation requirement has been imposed upon the practitioner (i.e., the practitioner must obtain a consult and the consultant must approve the course of treatment in advance).

Regarding Staff Categories:

Active (Voting) – Members of this category must have served on the medical staff for at least one (1) year and be involved in a. at least twelve (12) patient contacts per year (i.e., a patient contact is defined as an inpatient admission, consultation, work shift (ED, radiology, pathology) or an inpatient or outpatient surgical procedure) at the hospital, **OR** b. active participation in at least three (3) meetings per year.

Affiliate (Non-Vote) - The Affiliate category is reserved for medical staff members who do not meet the eligibility requirements for the Active category. All new practitioners are automatically placed under this category until they meet the Active category qualifications.

If this information does not agree with your records or if you need additional information, please feel free to contact us per the information below.

Sincerely,

Attachment 5

WMCD Revised Variance Request 000023

WMGPC001824

Good Samaritan Hospital, Cathy A. Crabtree, CPMSM, Manager, Medical Staff Services
Miami Valley Hospital, Cathy A. Crabtree, CPMSM, Manager, Medical Staff Services



June 8, 2018

Cathy Crabtree
Good Samaritan Hospital
2222 Philadelphia Drive
Dayton, OH 45406



RE: Jerome L Yaklic, MD, NPI#: 1235164476

To Whom It May Concern:

This letter is to respond to your request for primary source verification regarding the status of the above-referenced practitioner at the locations referenced below. Please note the following information:

Miami Valley Hospital

Affiliation Dates	Specialty	Staff Category	Status
1/13/2010-5/31/2020	Female Pelvic Medicine and Reconst Surgery	Active (Voting)	Good Standing

Atrium Medical Center

Affiliation Dates	Specialty	Staff Category	Status
(N/A)-(N/A)	Female Pelvic Medicine and Reconst Surgery	None	Good Standing

"Good Standing" means as follows:

1. Our Hospital evaluates the six ACGME general competencies (patient care, medical/clinical knowledge, interpersonal and communication skills, professionalism, practice-based learning, and system-based practice) as part of our appointment, reappointment, and privileging processes; and
2. **No adverse professional review action** as defined in the Health Care Quality Improvement Act has been taken regarding this practitioner. This means that there are no current reductions, restrictions, suspensions, revocations, denials, or non-renewal of the practitioner's staff membership or clinical privileges. For purposes of this letter, a **"restriction"** is defined to mean that a mandatory concurring consultation requirement has been imposed upon the practitioner (i.e., the practitioner must obtain a consult and the consultant must approve the course of treatment in advance).

Regarding Staff Categories:

Active (Voting) – Members of this category must have served on the medical staff for at least one (1) year and be involved in a. at least twelve (12) patient contacts per year (i.e., a patient contact is defined as an inpatient admission, consultation, work shift (ED, radiology, pathology) or an inpatient or outpatient surgical procedure) at the hospital, **OR** b. active participation in at least three (3) meetings per year.

Affiliate (Non-Vote) - The Affiliate category is reserved for medical staff members who do not meet the eligibility requirements for the Active category. All new practitioners are automatically placed under this category until they meet the Active category qualifications.

If this information does not agree with your records or if you need additional information, please feel free to contact us per the information below.

Sincerely,

Miami Valley Hospital, Cathy A. Crabtree, CPMSM, Manager, Medical Staff Services

Atrium Medical Center, Pat Lowman, MHA, CPMSM, CPCS, CHQM-MC, Manager, Medical Staff Services



June 8, 2018

Cathy Crabtree
Good Samaritan Hospital
2222 Philadelphia Drive
Dayton, OH 45406



RE: Janice M Duke, MD, NPI#: 1922064344

To Whom It May Concern:

This letter is to respond to your request for primary source verification regarding the status of the above-referenced practitioner at the locations referenced below. Please note the following information:

Miami Valley Hospital

Affiliation Dates	Specialty	Staff Category	Status
10/11/2000-3/30/2020	Obstetrics & Gynecology	Active (Voting)	Good Standing

"Good Standing" means as follows:

1. Our Hospital evaluates the six ACGME general competencies (patient care, medical/clinical knowledge, interpersonal and communication skills, professionalism, practice-based learning, and system-based practice) as part of our appointment, reappointment, and privileging processes; and
2. **No adverse professional review action** as defined in the Health Care Quality Improvement Act has been taken regarding this practitioner. This means that there are no current reductions, restrictions, suspensions, revocations, denials, or non-renewal of the practitioner's staff membership or clinical privileges. For purposes of this letter, a **"restriction"** is defined to mean that a mandatory concurring consultation requirement has been imposed upon the practitioner (i.e., the practitioner must obtain a consult and the consultant must approve the course of treatment in advance).

Regarding Staff Categories:

Active (Voting) – Members of this category must have served on the medical staff for at least one (1) year and be involved in a. at least twelve (12) patient contacts per year (i.e., a patient contact is defined as an inpatient admission, consultation, work shift (ED, radiology, pathology) or an inpatient or outpatient surgical procedure) at the hospital, OR b. active participation in at least three (3) meetings per year.

Affiliate (Non-Vote) - The Affiliate category is reserved for medical staff members who do not meet the eligibility requirements for the Active category. All new practitioners are automatically placed under this category until they meet the Active category qualifications.

If this information does not agree with your records or if you need additional information, please feel free to contact us per the information below.

Sincerely,

Miami Valley Hospital, Cathy A. Crabtree, CPMSM, Manager, Medical Staff Services



OHIO DEPARTMENT OF HEALTH

246 North High Street
Columbus, Ohio 43215

John R. Kasich/Governor

614/466-3543
www.odh.ohio.gov

Lance Himes/Director of Health

September 28, 2018

Jennifer L. Branch
Gerhardstein & Branch
Carew Tower
441 Vine Street, Suite 3400
Cincinnati, Ohio 45202

Re: Women's Med Center of Dayton: Denial of Variance Request

Dear Ms. Branch:

Pursuant to R.C. 3702.304, O.A.C. 3701-83-14 and 3701-83-19, and after careful review and consultation with the Department's Medical Director, I am denying the variance request of Women's Med Center of Dayton (WMC) for the 2018 license period.

WMC submitted a variance request for 2018 on July 31, 2018. WMC's variance application provides for three named backup physicians (Dr. Janice Duke, Dr. Sheela Barhan, and Dr. Jerome Yaklic) and indicates that their group practice, which has also separately contracted with WMC, will be the backup for the physicians if they are unavailable. The enclosed backup agreements identified these physicians as having admitting privileges at Miami Valley Hospital.

As you know, the written transfer agreement(WTA) requirements in R.C. 3702.303 and O.A.C. 3701-83-19 are designed to protect patient health and safety. Variances from these requirements are for limited circumstances in which the facility can still achieve the purposes of a WTA, where compliance with the WTA requirement would impose an undue hardship, and where the proposed alternative method of compliance meets or exceeds the protections afforded by the statute and rule. R.C. 3702.304. WMC's provision of only three named backup physicians does not meet my expectation that a variance provide the same level of patient health and safety that a written transfer agreement with a local hospital assures for 24/7 back-up coverage. Further, additional backup from un-named physicians in the group practice does not comply with R.C. 3702.304 which requires specific information to be provided as to each named physician e.g., licensure status, travel time to hospital, and contact information.

Pursuant to R.C. 3702.304 and O.A.C. 3701-83-14, the denial of WMC's applications for a variance shall be final and shall not be construed as creating any rights to a hearing under Chapter 119 of the Revised Code.

Jennifer L. Branch

Page 2

If you have any questions regarding this decision, please contact Mahjabeen Qadir, General Counsel, at 614-466-4882.

Sincerely,



Lance D. Himes
Director of Health

Cc: Dave Holston, Chief, Office of Health Assurance and Licensing
Deborah Herubin, Bureau Chief, Bureau of Licensing and Certification
Shannon Richey, Survey Administrator, Bureau of Licensing and Certification

BACK-UP PHYSICIAN SERVICES AGREEMENT

This Back-Up Physician Services Agreement ("Agreement") is effective as of June 24, 2019 ("Effective Date"), by and between Women's Med Professional Corporation, an Ohio professional corporation, ("WMPC") and Margaret Dunn, M.D. ("Physician").

1. Dr. Dunn agrees to be a back-up physician for WMPC. Physician agrees to provide 24/7 emergency back-up hospital admission for WMPC's patients in the event of surgical complication, emergency situations, or other medical needs that request a level of service beyond the capability of WMPC. In the event that Physician is temporarily unavailable, s/he will notify WMPC and WMPC will follow its protocols to ensure that coverage is provided by the other physicians who provide coverage as back-up physicians for WMPC.
2. Dr. Dunn agrees she has admitting privileges at Miami Valley Hospital in Dayton, Ohio and will exercise those privileges to provide for the continuity of care and the timely, unimpeded acceptance and admission of WMPC's patients. A copy of Dr. Dunn's admitting privilege credentials are attached as Exhibit A.
3. Dr. Dunn attests that the following statements are true:
 - a. I am licensed to practice medicine in Ohio.
 - b. I am familiar with WMPC and its operations.
 - c. I agree to provide WMPC of notice of any changes in my ability to provide back-up coverage.
 - d. The travel time from my office to Miami Valley Hospital is approximately 10 minutes by vehicle.
4. The Physician verifies that:
 - a. She told WMPC that her specialty is Surgery;
 - b. WMPC may contact Physician by calling (937) 245-7200.
 - c. Physician has informed Miami Valley Hospital that she is consulting for WMPC and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary. A copy of Dr. Dunn's notice to the hospital is attached as Exhibit B.
5. Physician agrees she is licensed to practice medicine in Ohio and will alert WMPC within 24 hours if her active status to practice medicine in Ohio changes.
6. Physician agrees that no disciplinary actions have been taken against her and that no complaints are under review by the Ohio State Medical Board for violations of R.C. §

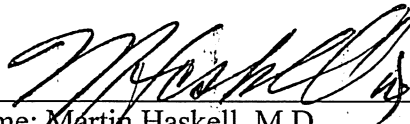
4731.22. The Physician agrees to alert WMPC within 24 hours if an action is taken against her by the Ohio State Medical Board.

7. Physician agrees she is credentialed with admitting privileges without restrictions at Miami Valley Hospital in Dayton, Ohio. Physician will arrange patient admission and care for each patient needing medical services according to each patient's need.
8. Physician agrees to immediately and without delay inform WMPC of any circumstances that may impact her/his ability to provide for continuity of care and the timely, unimpeded acceptance and admission of WMPC's patients.
9. If Physician experiences any planned or unplanned absence from the locale for one business day where coverage will not be available through another member of her group or through another WMPC back up physician, she agrees to provide WMPC with notice before such date or as soon as practicable (if the absence is unplanned) or three business days before such date or as soon as practicable (if the absence is planned in advance).
10. The Physicians agree they have access to and will use Miami Valley Hospital's on-call consulting/referral physicians outside of their area of specialty/expertise, if necessary.
11. WMPC agrees to provide the Physician with the patient's name, reason for referral, current medical condition and the means of transport to the hospital.
12. WMPC agrees to send to the hospital with the patient a copy of all patient records.
13. This agreement may only be modified in writing.
14. This agreement may be terminated without cause after thirty (30) days written notice is provided to the parties.

The parties have executed this Agreement by each of their authorized representatives.



Name: Margaret Dunn, M.D.
Title: Physician



Name: Martin Haskell, M.D.
Title: Medical Director
Women's Med Professional Corporation



July 16, 2018

Margaret M Dunn, MD
Wright State Physicians - Surgical Oncology & Breast Care
2300 Miami Valley Drive, Suite 350
Centerville, OH 45459

Dear Margaret M Dunn, MD:

I am pleased to notify you that your application for reappointment with clinical privileges in General Surgery at Miami Valley Hospital/Miami Valley South Hospital was approved. Your appointment is for a two-year period commencing 5/31/2018.

This reappointment is subject to all the terms and conditions of your initial application and any subsequent reappointments. Please note you have an ongoing responsibility to notify the hospital, through the Medical Staff Office, of any changes in information you provided in your reappointment application.

Thank you for your interest in remaining on the Miami Valley Hospital medical staff. We look forward to a mutually enjoyable and beneficial association for the care of our patients. Should you have any questions concerning your appointment, please contact the Medical Staff Office at 208-2121.

Sincerely,

A handwritten signature in black ink that reads "Marc Belcastro, DO". The signature is written in a cursive, flowing style.

Marc Belcastro, DO
Chief Medical Officer

MB:ptl

Dunn, Margaret

To: mrbelcastr@premierhealth.com
Subject: agreement with Women's Medical Professional Corporation

Dr. Belcastro

In your role as Chief Medical Officer for Miami Valley Hospital, I want to inform you that I have agreed to be an additional physician providing back-up coverage for the Women's Medical Center facility when medical care beyond the care the facility can provide is necessary. My outpatient office address in this context is the same as the other physicians whom have previously agreed to provide this coverage. I have been seeing patients at the same office since March 2019.

Margaret Dunn MD

Exhibit B

License Look Up

6/24/2019 2:19 PM

Margaret M Dunn

Status	Active
Sub-Status	
Board	Medical Board
License Type	Doctor of Medicine (MD)
License Number	35.047779
License Issue Date	07/27/1982
License Expiration Date	04/01/2021
License Effective Date	01/08/2019
City	Centerville
State	OH
Country	United States
Board Action	No

Board Action Details

Current date & time: **6/24/2019 2:19 PM**

Disclaimer: The Joint Commission and NCQA consider on-line status information as fulfilling the primary source verification requirement for verification of licensure in compliance with their respective credentialing standards.