



Department
of Health

Mike DeWine, Governor
Jon Husted, Lt. Governor

Amy Acton, M.D., MPH, Director

DEC 26 2019

Via e-mail to: jbranch@gbfirm.com and regular mail

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

Re: Planned Parenthood Southwest Ohio Region Variance

Dear Ms. Branch,

On December 23, 2019, the Ohio Department of Health received your letter dated December 22, 2019, notifying the Department of a change in the variance granted to Planned Parenthood Southwest Ohio Region (PPSWO). Your letter states that on December 20, 2019, Dr. David Schwartz notified PPSWO that, beginning immediately, he would no longer serve as a backup physician for PPSWO. Your letter further stated that PPSWO wanted 30 days to find a replacement backup physician.

I granted PPSWO's variance request on May 28, 2019, on the basis that it had four backup physicians who would provide backup coverage and hospital admission to patients. That variance letter specifically required PPSWO to notify me of any changes in the backup physicians.

R.C. 3702.304 allows the director of health to rescind a variance at any time and for any reason. Because I find that three backup physicians are inadequate to provide the same level of patient health and safety that a written transfer agreement with a local hospital provides, I am rescinding the variance issued to PPSWO effective as of the date of this letter.

Pursuant to R.C. 3702.304 and O.A.C. 3701-83-14, this decision to rescind PPSWO's variance is final and does not create any rights to a hearing under Chapter 119 of the Revised Code.

Please contact Acting Deputy General Counsel, Lisa Eschbacher, at (614) 466-4882 if you have any questions.

Sincerely,

Amy Acton, MD MPH
Director of Health

CC: Office of General Counsel
Bureau of Regulatory Operations

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