



Department
of Health

Mike DeWine, Governor
Jon Husted, Lt. Governor

Bruce Vanderhoff, MD, MBA, Director

November 12, 2021

Via e-mail and regular U.S. mail

Jessie Hill
Associate Dean for Research and Faculty Development
Judge Ben C. Green Professor of Law
Case Western Reserve University School of Law
11075 East Blvd.
Cleveland, Ohio 44106

Re: Women's Med Dayton
2020 Variance Request Resubmission

Dear Ms. Hill:

Pursuant to R.C. 3702.304, O.A.C. 3701-83-14, and 3701-83-19 and after careful review and consideration, I am denying the September 13, 2021 request for reconsideration of my August 30, 2021, decision to deny Women's Med Dayton's variance request for its 2020 license renewal

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. Documentation provided by Women's Med Dayton showed that Dr. Dhanraj currently has active privileges at Miami Valley Hospital. I find that Dr. Dhanraj's privileges are acceptable.

However, the request for reconsideration did not provide sufficient additional information to resolve my concern that Dr. Dunn is not credentialed as an obstetrician/gynecologist with full active privileges at Miami Valley Hospital. Because Dr. Dunn is not an obstetrician/gynecologist, I am denying the request for reconsideration and my decision to deny the variance request remains unchanged.

Pursuant to R.C. 3702.304 and O.A.C. 3701-83-14, the denial of Women's Med Dayton'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.

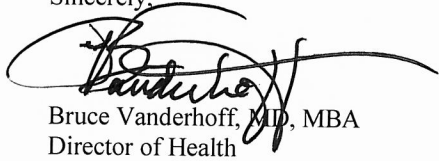
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Columbus, Ohio 43215 U.S.A.

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The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services.

If you have any questions regarding this variance, please contact James Hodge, Bureau Chief, Bureau of Regulatory Operations, at 614-644-6220.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Vanderhoff", with a large, sweeping flourish extending to the right.

Bruce Vanderhoff, MD, MBA
Director of Health

cc: James Hodge, Bureau Chief, Bureau of Regulatory Operations