

GERHARDSTEIN & BRANCH

A LEGAL PROFESSIONAL ASSOCIATION

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*ALPHONSE A. GERHARDSTEIN
JENNIFER L. BRANCH
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Of Counsel
ROBERT R. LAUFMAN

Ms. Heather Coglianese
Senior Legal Counsel
Ohio Department of Health
246 N. High Street, 7th Floor
Columbus, OH 43215

February 27, 2014

**Also admitted in
Minnesota*

***Also Admitted in
Kentucky and West
Virginia*

Dear Heather:

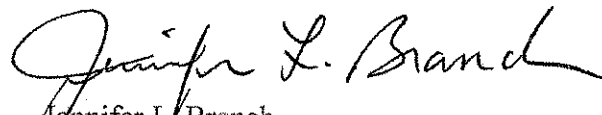
This letter responds to your letter dated February 12, 2014. I believe the backup agreement I submitted with Women's Med Center's variance request November 20, 2013 does comply with Ohio law. Nevertheless, Women's Med Center has entered into a new contract with Dr. Duke and Dr. Barhan which complies with your request, Ohio law, and ODH's internal process for requesting a variance (see attached agreement dated February 24, 2014).

Attached to the agreement are documents verifying Dr. Barhan and Dr. Duke's admitting privileges at Miami Valley Hospital. In addition, I have attached verification of Dr. Barhan and Dr. Duke's licensure with the Ohio Medical Board.

I want to address a question you asked in your letter regarding the relationship between Wright State Physicians and the physicians providing backup coverage. As you will see Dr. Marco signed this agreement, as well as Dr. Barhan and Dr. Duke. Drs. Barhan and Duke are members of a medical practice called "Wright State Physicians Obstetrics & Gynecology." Dr. Marco is the CEO and President of "Wright State Physicians." Wright State Physicians, Inc. is a non-profit corporation that oversees Wright State Physicians Obstetrics & Gynecology.

If you have any additional questions about Women's Med Center's variance request, please contact me.

Sincerely,


Jennifer L. Branch
jbranch@gbfirm.com

Planned Parenthood Southwest Ohio Region (PPSWO) Hospital Transfer Policy (To Be Used if Variance from ODH Approved)

This policy is intended to comply with ODH's November 2011 guidelines for processing variance requests and HB 59 (effective May 07, 2014).

In lieu of a written transfer agreement between the PPSWO ambulatory surgical facility (ASF) and a hospital, this policy will outline the requirements and necessary monitoring to satisfy the requirements for a variance using named physicians with admitting privileges to provide for continuity of care and timely, unimpeded acceptance and admission of patients from the PPSWO ASF.

Backup Physician Credentialing Procedures

PPSWO ASF will maintain a written agreement with the physician(s) who will provide 24/7 emergency backup hospital admission for patients of the facility in the event of surgical complication, emergency situations, or other medical needs that require a level of service beyond the capability of the ASF. This will be kept as a written contract by PPSWO along with all documentation of requirements listed below.

Physicians will be asked, as part of the written agreement, to notify PPSWO as to any change to the status of their state license. PPSWO will verify the active status of the State of Ohio medical license for each physician named by viewing the licensure status on the State Medical Board website (<http://www.med.ohio.gov> under licensee profile and status). PPSWO will verify this information at initiation of the agreement as well as annually thereafter. If PPSWO learns of any changes, it will notify ODH no later than one week after PPSWO becomes aware of the change.

Physicians will be required, as part of the written agreement, to notify PPSWO if any actions have been taken against them or are in progress by the State Medical Board. PPSWO will verify this information by viewing the formal actions on the State Medical Board website at <http://www.med.ohio.gov> at initiation of the agreement and annually thereafter. If PPSWO learns of any actions, it will notify ODH no later than one week after PPSWO becomes aware of the change.

Physicians will be required, as part of the written agreement, to maintain privileges at a local hospital that allow the physician to admit a PPSWO patient if admission becomes necessary. PPSWO will verify the physician's hospital credentials in the appropriate areas of competency by contacting the medical staff credentialing office in the hospital at the initiation of the agreement and annually thereafter. If PPSWO learns of any changes, it will notify ODH no later than one week after PPSWO becomes aware of the change.

As part of the written agreement with the physician, PPSWO will require the physician to inform PPSWO immediately of any circumstance that may impact his or her ability to provide for continuity of care and the timely, unimpeded acceptance and admission of PPSWO's emergency patients. This will be included in the written contract signed by the physician. If PPSWO learns of any changes, it will notify ODH no later than one week after PPSWO becomes aware of the change.

PPSWO will provide each physician with a copy of this policy and PPSWO medical protocols and ensure that the physician has reviewed the policies and are familiar with the operations at PPSWO.

Utilization of Backup Physician Services

In the event a patient needs to be transferred to a hospital, PPSWO’s attending physician shall call the contact number for one of the back-up physicians to facilitate the patient’s admission to the hospital. The contact numbers for each back-up physician are on file at PPSWO.

Unless PPSWO knows Dr. Schwartz is unavailable, he is the preferred primary back-up physician. If Dr. Schwartz is unavailable, any of the other back-up physicians may be called. If all backup physicians are unavailable, the PPSWO attending physician shall contact the physician providing coverage for Dr. Schwartz by calling the contact number for Dr. Schwartz.

Each backup physician shall provide notice to PPSWO of any planned or unplanned absence from the locale within one business day before such date or as soon as possible (if the absence is unplanned) or three business days before such date or as soon as possible if the absence is planned in advance).

Dr. Schwartz travel time from his office to The Christ Hospital is 5 minutes. Dr. Draznik’s travel time from his office to The Christ Hospital is 5 minutes by car. Dr. Caligaris’ travel time from his office to The Christ Hospital is 18 minutes by car.

How to transfer a patient directly from PPSWO

When a patient is being transferred to the hospital for a surgical complication, emergency situation or other medical necessity the following shall take place:

DUTY	RESPONSIBILITY OF
Start appropriate emergency measures: IVs, oxygen, airway management, CPR, etc.	PPSWO physician and medical staff
Call ambulance service and give them instructions as to where to enter.	Clinical Nursing Coordinator Surgical Services
Notify staff by preexisting code of emergency and its location.	Surgery Center Manager
Monitor and record vital signs.	Medical personnel
Reassure and support patient.	Medical/counseling personnel
Complete emergency transfer form and copy patient record.	Medical personnel
Notify medical director, executive director, and others as indicated.	Available staff
Notify hospital/emergency room of impending transfer.	Surgical Medical Director, PPSWO physician or back-up physician
Notify those accompanying patient of transfer, reassure them, arrange or	Available staff

direct their trip to the hospital.	
Notify clinic personnel to halt flow to procedure rooms until patient transfer has been completed.	Available staff
Shield recovery room and other areas from observing transfer if possible.	Available staff
Inform waiting patients of delay and reschedule as necessary.	Available staff
For a serious complication or death, prepare appropriate statement for press.	CEO or designee
As soon as possible, hold staff meeting to process feelings and reactions.	CEO or designee
Quality Assurance Review	ASF Governing Body

The PPSWO attending physician shall make arrangements to transport the patient, her complete surgical chart, and the PPSWO transfer form to the hospital. A copy of other relevant medical records that are readily available will be transmitted in full with the patient.

The PPSWO attending physician shall inform the backup physician of the patient's history and cause for the hospital transfer. The PPSWO attending physician will remain available to consult with the backup physician and help arrange any necessary follow up care.

The PPSWO attending physician shall assign appropriate medical personnel to accompany the patient if the patient needs care the transporters cannot provide.

If the backup physician needs to arrange specialty coverage to the patient, the backup physician shall utilize his consultant list or the admitting hospital's specialty on call rotation using the physician on call for the particular service needed on a given day.

How to arrange for hospital admission after a patient leaves PPSWO

Patients are advised of 24/7 PPSWO nurse/physician on call availability. If it is determined that a patient is in need of immediate hospital care, the backup physician will be contacted. All known information about the patient will be given to the backup physician and this will be followed by a copy of the chart as soon as it is available. If the patient is unable to go to a hospital that is covered by a PPSWO backup physician, the PPSWO nurse and physician on call will contact the emergency department and on call physicians at the hospital the patient is able to go to. The PPSWO on call physician shall provide to the treating hospital physician all information requested as soon as possible. The PPSWO attending physician will remain available to consult with the backup or treating physician and help arrange any necessary follow up care.

Changes to this Protocol

PPSWO will notify Rebecca Maust at the Department of Health within 48 hours of any change to this written protocol by emailing her at Rebecca.Maust@odh.ohio.gov or by faxing her at 614-466-3543. A paper copy of the transmission shall be kept by PPSWO.



Wright State Physicians WOMEN'S HEALTH CARE

Berry Women's Health Pavilion
One Wyoming Street, Suite 4130 • Dayton, OH 45409
Tel 937.208.6810 • Fax 937.208.2030
wrightstatephysicians.org

BACK-UP PHYSICIAN SERVICES AGREEMENT

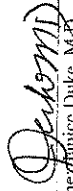
This Back-Up Physician Services Agreement ("Agreement") is effective as of February 24, 2014 ("Effective Date"), by and between Women's Med Professional Corporation, an Ohio professional corporation, ("WMPC") and Janice Duke, M.D. and Sheela Barhan, M.D. ("Physicians").

1. Dr. Janice Duke and Dr. Sheela Barhan 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 either Physician is not on call at the time admission is needed she will insure that coverage is provided by the other physicians who provide coverage for her in her medical practice, Wright State Physicians Obstetrics & Gynecology ("WSP Ob/Gyn").
2. Wright State Physicians Obstetrics & Gynecology is the faculty department for Wright State Physicians responsible for overseeing the ACOG 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 non-profit corporation that oversees WSP Ob/Gyn.
3. Dr. Duke and Dr. Barhan 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. A copy of Dr. Duke's and Dr. Barhan's 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.

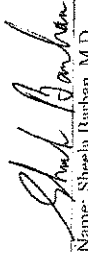
- c. I agree to provide WMPC notice of any changes in my ability to provide back-up coverage.
 - d. The travel time from my main office to Miami Valley Hospital is approximately 5 minutes by foot.
6. The Physicians verify that:
- a. Each has told WMPC that her specialty is Obstetrics and Gynecology;
 - b. WMPC may contact either Physician by calling Match MD, telephone number 866-200-1935, and asking for the *private office doctor on call*;
 - c. Each 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. Duke's and Dr. Barhan's notice to the hospital are attached as Exhibit B.
7. 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.
8. 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 either of them by the Ohio State Medical Board.
9. The Physicians agree they are credentialed with admitting privileges in Obstetrics and Gynecology without restrictions at Miami Valley Hospital in Dayton, Ohio. Either 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.
10. 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.
11. If either Physician experiences 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).
12. 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.
13. 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.
14. WMPC agrees to send to the hospital with the patient a copy of all patient records.
15. This agreement may only be modified in writing.


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


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

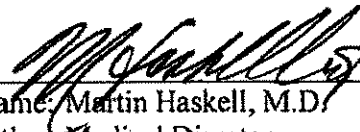

Name: Sheela Barhan, M.D.
Title: Physician
Wright State Physicians



Name: Alan P. Marco, M.D.
Title: Chief Executive Officer + President
Wright State Physicians


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


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


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


Name: Alan P. Marco, M.D.
Title: Chief Executive Officer + President
Wright State Physicians



February 26, 2014

To Whom It May Concern:

Due to the volume of verification requests we receive, the following information is available concerning the practitioner about whom you inquired.

-
- Name Sheela Barhan, MD
 - Appointment Date 11/26/1996
 - Reappointment Date 3/31/2014
 - Staff Status Active
 - Specialty Obstetrics and Gynecology
-

Professional activity of all members of the Miami Valley Hospital medical staff is routinely assessed through our quality assurance/peer review mechanisms. This ongoing assessment did not result in any adverse actions being contemplated or taken against the above referenced practitioner at our hospital. To the best of my knowledge, there are no health problems that might interfere with this member's ability to perform in a competent manner and the member remains in good standing with full admitting privileges.

Sincerely,

James Murphy, MD
Chief of Staff

pb



February 26, 2014

To Whom It May Concern:

Due to the volume of verification requests we receive, the following information is available concerning the practitioner about whom you inquired.

-
- Name Janice M Duke, MD
 - Appointment Date 10/11/2000
 - Reappointment Date 3/31/2014
 - Staff Status Active
 - Specialty Obstetrics and Gynecology
-

Professional activity of all members of the Miami Valley Hospital medical staff is routinely assessed through our quality assurance/peer review mechanisms. This ongoing assessment did not result in any adverse actions being contemplated or taken against the above referenced practitioner at our hospital. To the best of my knowledge, there are no health problems that might interfere with this member's ability to perform in a competent manner and the member remains in good standing with full admitting privileges.

Sincerely,

James Murphy, MD
Chief of Staff



Department of Obstetrics and Gynecology
Weber Center for Health Education
123 E. Apple St., Ste. 3600 • Dayton, OH 45409-2703
Tel 937-206-2850 • Fax 937-222-7235
med.wright.edu/obgyn

Gary Ventoliri, M.D. • Chairman and Professor

February 18, 2014

Mark Shaker
President and Chief Executive Officer
Premier Health
Miami Valley Hospital

RE: Back-up Agreement with Women's Med Center of Dayton

Dear Mr. Shaker:

As a physician, I am required to inform Miami Valley Hospital administration that I am serving as a consulting physician for Women's Med Center of Dayton. I will be consulted when medical care is necessary that is beyond the scope of that which the Women's Med Center of Dayton can provide. Patients treated at Women's Med Center of Dayton who require hospitalization will be admitted for care. A formal agreement between me and Women's Med Center acknowledging such is attached for your records.

Sheela Barhan, MD

Enclosure

Cc:
Dr. Alan Marco, President and CEO, Wright State Physicians
Dr. Jerome Yalcik, Chair, WSU, Department of OB/Gyn
Dr. Martin Haskell, Medical Director, Women's Med Center of Dayton



Department of Obstetrics and Gynecology
Weber Center for Health Education
128 E. Apple St., Ste. 3600 • Dayton, OH 45409-2703
Tel 937.208.2850 • Fax 937.222.7255
med.wright.edu/obgyn/

Jerome L. Yaklic, M.D.
Acting Chairman and Associate Professor

February 18, 2014

Mark Shaker
President and Chief Executive Officer
Premier Health
Miami Valley Hospital

RE: Back-up Agreement with Women's Med Center of Dayton

Dear Mr. Shaker:

As a physician, I am required to inform Miami Valley Hospital administration that I am serving as a consulting physician for Women's Med Center of Dayton. I will be consulted when medical care is necessary that is beyond the scope of that which the Women's Med Center of Dayton can provide. Patients treated at Women's Med Center of Dayton who require hospitalization will be admitted for care. A formal agreement between me and Women's Med Center acknowledging such is attached for your records.


Janice M. Duke, MD

Enclosure

Cc:
Dr. Alan Marco, President and CEO, Wright State Physicians
Dr. Jerome Yaklic, Chair, WSU, Department of OB/Gyn
Dr. Martin Haskell, Medical Director, Women's Med Center of Dayton



Identification Information		[back]
Name	Dr. JANICE MOSNY DUKE Birth Date: 2/1944 Birth Place: ST CHARLES, IL Birth Country:	
Practice	UNIVERSITY WOMENS HEALTH CENTER One Wyoming Street Suite 4130 DAYTON, OH 45409 United States of America	
Residence	KETTERING, OH 45429 County: Montgomery	
Professional Education	School: 036070-Wright State University School of Medicine Graduated: 06/08/96	

License and Registration Information				
Credential	License Type	Initial Licensure Date	Expiration Date	Status
35.073011	Doctor of Medicine	09/02/1997	04/01/2015	ACTIVE
Specialties				
OBSTETRICS & GYNECOLOGY OBSTETRICS & GYNECOLOGY OBSTETRICS & GYNECOLOGY				
Specialty listings are voluntarily provided by the physician. They are not verified by the State Medical Board and do not confirm that the physician is Board certified by a professional specialty organization. To find out if a physician is certified by a specialty board, you should contact that board. Information and links to specialty boards can be found by clicking this green box.				

Formal Action Information
No formal action exists.

The above is an accurate representation of information currently maintained by the State Medical Board of Ohio as of 2/12/2014. The JCAHO and the NCQA have informed the Board that they consider this on-line license status information as fulfilling the primary source requirement for verification of licensure in compliance with their respective credentialing standards. This information is otherwise provided as a public service and no user may claim detrimental reliance thereon.

The State Medical Board utilizes the Federation Credentials Verification Service (FCVS) as an agent and partner in licensing physicians in Ohio. Physicians initially licensed in Ohio after February 1st, 1997 have had their medical education, post-graduate training and examination history primary source verified by FCVS. Therefore, the use of this website for documentation of primary source verification (PSV) of education and training meets current NCQA guidelines for those licensed after February 1, 1997. This statement, affirming that primary source verification of medical education and post-graduate training has been performed as part of the licensure process, should be printed out and retained in your files. Prior to February 1, 1997, the State Medical Board prime source verified the post-graduate training and examination history.



Identification Information		[back]
Name	Dr. SHEELA MADHAV BARHAN Birth Date: 4/1966 Birth Place: CANTON, OH Birth Country:	
Practice	Wright State University School of Medicine Dept. of OB/Gyn 128 E. Apple St., Suite 3800 CHE DAYTON, OH 45409 United States of America	
Residence	BEAVERCREEK, OH 45430 County: Greene	
Professional Education	School: 019030-Tulane University School of Medicine Graduated: 06/06/92	

License and Registration Information					
Credential	License Type	Initial Licensure Date	Expiration Date	Status	
35.070345	Doctor of Medicine	05/08/1996	07/01/2015	ACTIVE	
Supervises					
Name	Credential	Supervisor Agreement	Approved Date	Expiration Date	Status
Barhan, Sheela- Miami Valley Hospital	41. 15278 SA	SUPV	08/29/2012	01/31/2015	ACTIVE
Specialties					
OBSTETRICS & GYNECOLOGY					
Specialty listings are voluntarily provided by the physician. They are not verified by the State Medical Board and do not confirm that the physician is Board certified by a professional specialty organization. To find out if a physician is certified by a specialty board, you should contact that board. Information and links to specialty boards can be found by clicking this green box.					

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