

July 9, 2020

Mr. Lance Himes  
Interim Director  
Ohio Department of Health  
246 N. High Street  
Columbus, OH 43215

Dear Mr. Himes,

We are writing to you for two reasons. First, we want to inform you of a potential violation of its newly issued medical license by Martin Haskell's late-term abortion clinic, Women's Med Dayton. Secondly, we want to express our frustration at the lack of responsiveness by the Ohio Department of Health (ODH) to our repeated records requests on Women's Med Dayton.

It has come to our attention that Dr. Jerome L. Yaklic, one of the four named back-up physicians in the July 2019 request for variance by (then) Women's Med Center Dayton, has recently departed the Dayton area and is now working at UTMB Health in Galveston, Texas. This is easily verifiable from multiple sources through an internet search. In contrast to the statement on the request for variance, Dr. Yaklic is obviously no longer in a position to "provide for the continuity of care [at a local hospital] and the timely, unimpeded acceptance and admission of the WMCD's emergency patients." Thus, from the information publicly available to us, Women's Med Dayton no longer has the required four back-up doctors mandated by ODH to continue operating. We believe it is likely that Women's Med Dayton has not had the services of Dr. Yaklic for at least several weeks at this point. If Women's Med Dayton has not already informed ODH of this change in a timely manner ("within 48 hours," according to Director Acton's letter of October 25, 2019, enclosed), it appears to us that it is now operating in violation of the license issued just eight months ago. If Dr. Yaklic had failed to inform Women's Med Dayton of this change, that does not appear to be grounds for exempting Women's Med Dayton from this requirement, again according to Dr. Acton's letter.

It may be the case that Women's Med Dayton did in fact notify ODH in a timely manner about Dr. Yaklic's departure and simultaneously submitted an application for his replacement as a back-up physician, which was then approved. However, we have no way of knowing this because of the failure of ODH to respond to our records request on Women's Med Dayton (enclosed), dating back to April 23. This letter constitutes our final request on this issue before we engage the services of an attorney.

In closing, we remind you of Women's Med Dayton's blatant disregard of Director Acton's administrative order of March 17, which ordered a halt to non-essential and elective surgeries. Further, that it responded to a "cease and desist" order from Attorney General Yost on March 20 with a legal appeal to a federal court. Thus, in addition to a potential violation of its license, Women's Med Dayton has shown conclusively that it intends to make no changes to its normal business practice caused by the current pandemic, even as virtually all other areas of the health care industry in Ohio have made major accommodations in the interest of public health.

We look forward to an early reply.

Very Respectfully,

Gary Taphorn  
Board Chair  
Dayton Right to Life

CC: Governor Mike DeWine  
Attorney General Dave Yost

2 Enclosures