



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired 1-800-735-2966 VOICE 1-800-735-2466

Gail Vasterling
Director



Jeremiah W. (Jay) Nixon
Governor

August 21, 2015

Sen. Kurt Schaefer, Chairman
Senate Interim Committee on the Sanctity of Life
Senate Administrator's Office
State Capitol, Room 324
Jefferson City, MO 65101

Dear Senator Schaefer:

In your letter of August 14, 2015, you requested that I provide you with all documents establishing that the Columbia Planned Parenthood facility complies with Section 197.215.1(2), RSMo.

Section 197.215.1 requires, among other things, a facility to provide affirmative evidence that:

(2) Surgical procedures shall be performed only by physicians, dentists or podiatrists, who at the time are privileged to perform surgical procedures in at least one licensed hospital in the community in which the ambulatory surgical center is located, thus providing assurance to the public that patients treated in the center shall receive continuity of care should the services of a hospital be required; alternatively, applicant shall submit a copy of a current working agreement with at least one licensed hospital in the community in which the ambulatory surgical center is located, guaranteeing the transfer and admittance of patients for emergency treatment whenever necessary[.]

This section regulates conduct at licensed ambulatory surgical centers by limiting the circumstances in which surgical procedures can be performed: It requires that surgical procedures be performed only by physicians who have surgical privileges at a hospital in the community, unless there is a working agreement with a hospital in the community guaranteeing transfer and admittance of patients for emergency treatment. But this section *does not*, as a prerequisite for issuance of an ambulatory surgical center license, require that a facility have a physician on staff with surgical privileges or a working agreement with a licensed hospital in the community, if no surgical procedures are being performed there.

Documents that the department previously provided to the Committee, and which are provided again with this letter, acknowledge and confirm that surgical procedures are not

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being performed at the Columbia facility. Because surgical procedures are not being performed at the Columbia facility, as indicated by the affirmative evidence in these documents, the facility is in compliance with Section 197.215.1(2).

Two additional legal provisions regarding physician privileges were discussed at the August 13, 2015, hearing: Section 188.080, RSMo, and 19 CSR 30-30.060(1)(C)4. The Columbia facility's physician has the privileges required by those provisions.

Regarding physician privileges, Section 188.080, RSMo, states:

Any physician performing or inducing an abortion who does not have clinical privileges at a hospital which offers obstetrical or gynecological care located within thirty miles of the location at which the abortion is performed or induced shall be guilty of a class A misdemeanor, and, upon conviction shall be punished as provided by law.

Regulation 19 CSR 30-30.060(1)(C)4 (Organization and Management for Abortion Facilities), states:

Physicians performing abortions at the facility shall have staff privileges at a hospital within fifteen (15) minutes' travel time from the facility or the facility shall show proof there is a working arrangement between the facility and a hospital within fifteen (15) minutes' travel time from the facility granting the admittance of patients for emergency treatment whenever necessary.

Enclosed is a copy of the document from University Hospital to the physician granting her clinical privileges and welcoming her to the medical staff. Planned Parenthood has provided this document publicly.

I hope the Committee finds this information helpful.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gail Vasterling".

Gail Vasterling
Director

Enclosures



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April 3, 2015

Vicki Casey (Vicki.Casey@ppkm.org)
Columbia Center, Planned Parenthood of Kansas and Mid-Missouri
711 N. Providence Rd
Columbia, MO 65203

Re: Initial Licensure Survey

Dear Ms. Casey:

An onsite initial licensure survey for your facility to provide abortion services began on 04/02/2015. The facility was found **not** to be in compliance with all regulatory requirements as described in 19 CSR 30-30.060 and 19 CSR 30-30.070. As a result, a license will **not** be issued until the following items have each been adequately addressed:

1. A check of all current employees to ensure that none appear on the Employee Disqualification List (EDL) maintained by the Department of Health and Senior Services as required for all facilities licensed under chapter 197 must be completed. Further, a method and policy to ensure that any new employee has this check done before hire and that the facility periodically checks the EDL for all employees must be in place.
2. Ensure that all physicians on the medical staff providing abortion services have received a complete credentialing packet to include: a) appointment and approval by the Governing Body; b) appropriate certificates for medications; c) approval of privileges; and d) a completed application to be on staff at the facility.
3. The facility will need appropriate certificates for medications via registration for Controlled Substances from the Bureau of Narcotics & Dangerous Drugs and the Drug Enforcement Agency (DEA).
4. The facility will need to submit a waiver/variance request for the provision of 19 CSR 30-30.070 (2)(N) which requires to be sized to accommodate at least four (4) recovery beds or recliners for each procedure room. Required space necessary is not available and facility staff indicated two (2) is sufficient for planned licensed services and workload.
5. The Facility initially plans to offer only medication-induced procedures, but to expand to surgical procedures later in the summer. As the equipment for surgical procedures has not been purchased and is not onsite, the facility is not currently prepared to provide the surgical services. BAC will need to revisit prior to permitting surgical procedures. Therefore, the license, when issued, will only approve the facility for medication-induced procedures. Please acknowledge in your written response your facility understands this limitation placed on your license.

Sincerely,

John Langston, MBA
Administrator
Bureau of Ambulatory Care
Phone: 573-751-6083
Fax: 573-751-6158

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From: Casey, Vicki [mailto:Vicki.Casey@ppkm.org]
Sent: Monday, June 01, 2015 8:44 AM
To: Langston, John
Subject: Columbia Licensure

Hello John,

Attached you will find the documents that were requested at our initial licensure survey. Included are:

1. Credentialing packet for Dr McNicholas:
 - a. Appointment and approval by the Governing Body
 - b. Dr McNicholas BNDD and DEA certificates
 - c. Completed application
 - d. Approval of privileges by Dr Moore
2. BNDD and DEA certificates for Columbia facility
3. Waiver/Variance request for recovery room chairs
4. FCSR checks for all staff - The Director of HR is aware that the FCSR must be run on all employees upon hire and has implemented a system to check all employees on a quarterly basis.

We are aware that we will only be approved for medical abortion procedures at this time. We understand that BAC will need to revisit the facility prior to our offering surgical procedures.

Please let me know if there is any other information you need.

Thank you,

Vicki Casey
Health Center Manager
Planned Parenthood of Kansas
& Mid Missouri
711 N Providence Rd
Columbia MO 65203
PH: 913-345-4671
FAX: 573-443-5671
vicki.casey@ppkm.org

PPKM works to ensure that every individual has the knowledge opportunity and freedom to make informed, private decisions about reproductive and sexual health.

[PPKM Logo: Care. No matter what.]<<http://www.ppkm.org>>

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Medical Staff Services
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Columbia, MO 65212
PHONE (573) 882-4913
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December 16, 2014

Colleen P. McNicholas, DO
Department of Women's Health
University Hospitals and Clinics

Dear Colleen:

We are pleased to inform you that the Executive Committee of the Medical Staff and the Governing Authority for the University of Missouri approved your application for appointment to University Hospitals and Clinics' Affiliate Medical Staff on December 15, 2014. As a new member of the Medical Staff, you must complete a focused professional practice evaluation as determined by your department chair and the Medical Staff Bylaws. It will be necessary for you to apply for reappointment and renewal of your clinical privileges before **December 15, 2016**, in order to remain on the staff.

Your clinical privileges were approved for the Department(s) of **Women's Health**. Your clinical privilege documents will be posted on the Hospital's intranet at this URL: <https://docushare.umh.edu/dsweb/View/Collection-1373>. If you are unable to access these documents, you may request that a copy be mailed or faxed to you by contacting us via one of the options listed above.

As part of University Hospital's safety and security plan and in order to comply with Joint Commission requirements, you are required to wear a hospital-issued photo identification (ID) badge, which is to be readily visible at all times while in University of Missouri Health Care facilities. This badge is necessary to gain access to outside doors, restricted areas, and the medical staff lounge, located in 1W-40, through use of the reader function embedded in the ID badge. Please promptly contact your clinical department or the Medical Staff Office if you have not already obtained a photo ID badge.

Help with the electronic medical record (EMR) is available in the EMR Training room directly across from the lounge. Off-site/visiting physicians may park in designated reserved spots on the lobby/main level of the Patient and Visitor Garage.

The medical staff bylaws, supporting manuals, and policies, including the attached Disruptive Behavior policy, are available electronically at this URL: <https://docushare.umh.edu/dsweb/View/Collection-831>. If you are unable to access these documents electronically, upon request, they will be provided to you in another format.

As a reminder, it is your responsibility to make sure that all licenses reflect your current primary practice location. Remember that all address changes must be submitted within 30 days of change of practice location, or the license or registration may be retroactively revoked.

On behalf of the Executive Committee, I congratulate you on your appointment to the Staff and look forward to your professional contributions to the patients we serve and to the organized Medical Staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bert Bachrach'.

Bert Bachrach, MD
Chief of Staff

Enclosures: Disruptive Behavior Policy MS-04
Environment of Care Orientation

c Hung Winn, MD