

Summary of Legal History, Women's Med Center, Kettering, Ohio

1996-Ohio legislature requires ALL ambulatory surgical facilities to obtain a license from the Ohio Department of Health (ODH)

1999-It was discovered that most abortion clinics in the state had not followed this requirement and ODH began the process of assuring that these facilities complied with the law.

The Women's Medical Professional Corporation, owned and operated by Martin Haskell (MH), tried to evade the law by claiming to be a private physician's office and not an ambulatory surgical facility. ODH disagreed and Haskell was told to obtain a license. This began a NINE year record of legal maneuvering during which time the Women's Medical Center of Dayton has never complied with state licensing requirements.

2000: MH took his case before the State Administrative Review Board. Ordered to obtain license

2001: MH takes his case to the Franklin County Common Pleas courts. Ordered to obtain license

2002: MH appeals to Ohio Court of Appeals for the 10th Appellate District. Ordered to obtain license

Fall of 2002: MH applies to ODH for a license for the Women's Medical Center in Dayton (WMC).

January 9 2003: ODH denies license because the WMC has no transfer agreement with any area hospital that would assure a continuum of care in the event of an emergency. Clinic is ordered to close.

January 9 2003: MH obtains a restraining order from federal Judge Dlott

June 11-13 2003 -Case heard in Franklin County District Court. Judge Algenon Marbley sides with Haskell, orders ODH to provide temporary license. ODH appeals to 6th Circuit Court of Appeals

February 2006 -6th Circuit Court of Appeals upholds ODH licensure requirements but requires that ODH hold a hearing on the proposed denial if requested by Haskell.

April 7, 2006 ODH informs MH once again that it is their intention to enforce the transfer agreement requirement and Haskell subsequently requests a hearing.

Two scheduled dates for hearing are postponed by Haskell and he eventually requests that he be permitted to argue case in writing.

March 12, 2007 ODH Hearing officer reviews written appeal and recommends revocation of license.

February 14th 2008 Dr. Alvin Jackson, director of ODH issues an order revoking the facilities license. 15 day period to appeal expires on February 29.

February 27, 2008 ODH inspects WMC and discovers they are still operating without a license. Cease and desist order is filed by ODH.

MH obtains a temporary restraining order from Judge Algenon Marbley in the U.S. District Court in Columbus against the ODH cease and desist order.

March 4, 2008 ODH rescinds revocation and cease and desist order. They allow a "variance" on the emergency transfer agreement; 3 physicians will serve as emergency backup.

-Dayton Right to Life