



## COMMONWEALTH of VIRGINIA

Marissa J. Levine, MD, MPH, FFAFP  
State Health Commissioner

Department of Health  
P O BOX 2448  
RICHMOND, VA 23218

TTY 7-1-1 OR  
1-800-828-1120

April 6, 2016

Ebony Fobbs, Administrator  
Virginia Health Group  
8316 Arlington Boulevard, Suite 220  
Fairfax, Virginia 22301

**RE: Suspension of Abortion Facility License Number AF-0015, Virginia Health Group**

Dear Ms.Fobbs:

Under Virginia Code § 32.1-125, no person shall operate a hospital unless it is licensed by the Virginia Department of Health. Virginia Code § 32.1-127(B)(1) establishes that a facility in which five or more first trimester abortions per month are performed is a category of hospital. Virginia Health Group was issued abortion facility license AF-0015 on October 1, 2012.

Under Virginia Code § 32.1-135(A), the State Health Commissioner is authorized to revoke or suspend a hospital's license, in accordance with the applicable regulations of the Board of Health, if that hospital has violated any applicable regulation for facility licensure. Section 12 VAC 5-412-130(A) of the *Regulations for Licensure of Abortion Facilities* states that a license may be suspended when the Department determines that an abortion facility is in violation of any applicable regulation.

On April 4-5, 2016, inspectors from the Virginia Department of Health Office of Licensure and Certification (OLC) initiated an unannounced complaint inspection at Virginia Health Group. Conditions observed during this complaint investigation led the inspectors to determine that a comprehensive biennial inspection was appropriate. Numerous violations of the *Regulations for Licensure of Abortion Facilities* were found including:

- 12 VAC5-412-220(B)(6) Use of Personal Protective Equipment
  - Facility staff failed to ensure personal protective equipment (PPE) was discarded when soiled. Facility staff were observed using contaminated PPE.
  - A facility staff member was observed unstopping a toilet while wearing scrubs and then proceeding to assist with a surgical procedure while wearing the same scrubs.

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- The provider was observed wearing the same scrubs on two different days while performing surgical abortion procedures.
- 12VAC5-412-220(B)(7) Use of Safe Injection Practices
  - The provider was observed preparing medications in an unsanitary environment.
- 12VAC5-412-220(C)(7) Processing of medical equipment between patients
  - Inspectors observed used/contaminated procedure instruments which had not been sterilized after use in procedures performed in the prior two days. Per interview with facility staff, distilled water was not available for use of the autoclave to sterilize the instruments.
- 12VAC5-412-260 Storage of Medications
  - Inspectors observed unsecured medications in patient care areas.
  - Expired medications were observed in several locations available for use.
- 12VAC5-412-310 Record Storage
  - Medical records were observed unsecured and accessible in a patient restroom and a hallway.

In addition to the specific violations cited above, the inspectors found violations of additional regulations governing record keeping, infection control, medications, staff qualification and training, facility supervision, physical plant condition, and equipment maintenance. All of the violations found during the inspection will be detailed in the inspection report, which will be sent to you upon completion. In aggregate, the deficiencies pose a substantial threat to the safety of the patients and staff of the Virginia Health Group. Based on the specific violations cited above and the additional violations that will be cited in the inspection report, I have determined that the abortion facility license of Virginia Health Group shall be suspended.

**By the authority contained in Virginia Code § 32.1-135(A)(iii), and the *Regulations for Licensure of Abortion Facilities* at 12 VAC 5-412-130(A), I am indefinitely suspending Virginia Health Group's abortion facility license number AF-00015 effective upon receipt of this notice. Virginia Health Group is required to immediately cease performing more than four first trimester abortions per month and make arrangements for the transfer of all first trimester abortion patients in excess of four patients per month contracted with Virginia Health Group for first trimester abortion services to another appropriate facility. Virginia Health Group shall provide the Virginia Department of Health Office of Licensure and Certification with a list of Virginia Health Group's current first trimester abortion patients and a plan for the transfer of those patients in excess of four patients per month no later than April 8, 2016.**

You may appeal the indefinite suspension of the abortion facility license of Virginia Health Group in accordance with the Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*, by requesting an informal fact-finding conference. The written request for an informal conference should be sent to the Virginia Department of Health Office of Licensure and Certification, Attention: Erik Bodin, 9960 Mayland Drive, Suite 401, Henrico, Virginia 23233. Any written request for an

informal conference must be received by Mr. Bodin within 15 days of your receipt of this notice. In accordance with Virginia Code § 32.1-135(C), you may apply to have the license for Virginia Health Group restored after the conditions upon which the suspension is based have been corrected and you have complied with all applicable state regulations and provisions of the Code of Virginia.

If you have any questions regarding abortion facility licensure or the suspension of your license, please contact Mr. Bodin, Director of the Virginia Department of Health Office of Licensure and Certification at (804) 367-2102 or by email at [Erik.Bodin@VDH.Virginia.gov](mailto:Erik.Bodin@VDH.Virginia.gov).

Sincerely,



Marissa J. Levine, MD., MPH, FAAFP  
State Health Commissioner

- Cc Krisy Japa, Director of Operations  
American Women's Services
- Gloria Addo-Ayensu, MD, MPH, Director of Health  
Fairfax Health Department
- Erik Bodin, Director  
VDH Office of Licensure and Certification