

Toledo Abortion Clinic Reopens Under Health Department Failure Thomas More Society Attorneys File Complaint on Behalf of Ohio Citizen Groups

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Toledo abortion provider, whose license was revoked by the Ohio Department of Health for violations that put women at risk, was quickly requalified to do business under a new license, because of a lack of proper scrutiny by health officials. The Thomas More Society, a national nonprofit public interest law firm has filed a complaint with the Ohio Department of Health on behalf of two Ohio citizen groups, Right to Life Action Coalition of Ohio and Greater Toledo Area Right to Life.

Days after revoking the license of abortion vendor, Capital Care Network of Toledo, and its operator for not meeting the Ohio requirements for an ambulatory surgical facility, the Ohio Health Department issued a brand-new license, relying on "incomplete, false and misleading statements" in the application.

The original license was revoked in accordance with a 2018 Ohio Supreme Court order, after it came to light that the abortion facility, in operation since 2005, did not hold a written transfer agreement with a local hospital as mandated by Ohio law. Abortion clinics are required to have written transfer agreements with a hospital in the event a patient needs emergency or additional medical care.

Thomas Olp, Vice President and Senior Counsel at the Thomas More Society, explained, "For years, this abortion vendor has put women at risk, threatening their health and safety, because of an unwillingness to comply with Ohio's law. Ohio courts have declared what should be common sense, that "Regulation of the practice of medicine is necessary to protect public health and safety." This facility and its owner have provided a false and misleading application to the Ohio Department of Health, which has turned a blind eye to the infractions that caused revocation of the original license. This is unacceptable and should not be tolerated."

The complaint, filed October 25, 2018, details a history of citations against the abortion vendor:

- March 2012 - Capital Care Network of Toledo, was cited by Ohio Department of Health for operating without a written transfer agreement.
- April 2013 - Ohio Department of Health revoked the license of the owner's partner facility, Capital Care Network of Cuyahoga Falls, while it declined to contest the cited violations.
- August 2013 - Ohio Department of Health notified Capital Care Network of Toledo that it intended to revoke its license because of its lack of a written transfer agreement.
- January 2014 - Capital Care Network of Toledo entered into a written transfer agreement with a hospital over 50 miles away, which Ohio Department of Health said was too far and refused to renew the license.
- May 2014 - Capital Care Network of Toledo abortionist, Thomas Michalis, was arrested on federal charges of possession and distribution of child pornography. He pled guilty and was sentenced to 15 years in prison.
- July 2014 - Ohio Department of Health issued an adjudication order refusing to renew and revoking Capital Care Network of Toledo's license to operate. A court challenge by the abortion vendor allows the business to continue to operate during legal proceedings.
- November 2014 - Capital Care Network of Toledo's management company was pursued for over \$33,000 in unpaid municipal taxes.
- April 2016 - A federal tax lien was recorded against Capital Care Network of Toledo's management company for over \$600,000 in unpaid federal taxes.
- August 2017 - Ohio Department of Health inspected Capital Care Network of Toledo found "serious licensure violations," proposing a \$40,000 fine.
- September 2017 - Capital Care Network of Toledo's management company was pursued for over \$24,000 in unpaid municipal taxes.
- January 2018 - The Ohio Supreme Court issued its decision sustaining the Ohio Department of Health authority to terminate Capital Care Network of Toledo's license.

After the decision to terminate the abortion facility's license was upheld by the state's high court, the owner applied for a new license without disclosing the existence of a previously held one. The owner also listed the name

of an on-site administrator, who is an employee of Planned Parenthood, and a medical director, reported as an MD, but without the required disclosure of the doctor's license number.

Additionally, the owner's Cuyahoga Falls abortion facility license was revoked for multiple statutory and administrative code violations. More recently, in 2017 the Ohio Department of Health issued a \$40,000 fine for infractions of health and safety requirements involving the Toledo abortion clinic. Currently, the owner is subject to \$600,000 in unpaid federal taxes, and unpaid payroll taxes in excess of \$40,000.

"The fact the Ohio Department of Health reissued a license to operate to a person and business already on its blacklist shows a woeful lack of oversight and irresponsible negligence toward the health and safety of Ohio women," declared Olp. "The irregularities here are manifold and the state must step up and protect its residents from those who are abusing the public trust."

Jeff Barefoot, who is the Board President of the Complainant Greater Toledo Area Right to Life and is a member of the Executive Council of the Complainant Right to Life Action Coalition of Ohio stated, "The feedback I am getting from pro-life people all over the State of Ohio is that they are appalled by the Ohio Department of Health's back-to-back renewal of a clinic's license to operate immediately after revoking the license for a regulatory violation. We have every hope that by raising this issue with the Department of Health, we will prompt correction of this unjustified action."

Read the complaint, along with supporting evidence, filed October 25, 2018, with the Ohio Department of Health Office of Health Assurance and Licensing by the Thomas More Society on behalf of Right to Life Action Coalition of Ohio and Greater Toledo Area Right to Life, [here](https://www.thomasmoresociety.org/wp-content/uploads/2018/10/181023-ODH-Complaint-FINAL-with-Exhibits.pdf) [https://www.thomasmoresociety.org/wp-content/uploads/2018/10/181023-ODH-Complaint-FINAL-with-Exhibits.pdf]

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