



**STATE BOARD OF HEALTH  
FOR THE STATE OF ALABAMA**

<b>ALABAMA DEPARTMENT OF PUBLIC HEALTH,</b>	)	
	)	
	)	
v.	)	<b>ADPH/OGC No. 12-0108</b>
	)	
<b>ALL WOMEN’S, INC., dba NEW WOMAN ALL WOMAN HEALTHCARE.</b>	)	
	)	

**CONSENT AGREEMENT**

Now come the parties, the Alabama Department of Public Health (hereinafter “the Department”) and All Women’s, Inc., d/b/a New Woman All Woman Health Care, (hereinafter “New Woman”), and in accordance with § 22-21-25, Ala. Code 1975, settle the proceeding regarding the proposed revocation of the license to operate New Woman (hereinafter “the Facility”), as an abortion or reproductive health center, by hereby entering into this Consent Agreement, the terms of which are as follows:

1. New Woman agrees to take and complete the following action on or before the dates set forth below:
  - a. On or before May 18, 2012, New Woman shall relinquish its operating license to the Department. New Woman acknowledges that in order for another entity or individual to be approved and licensed by the Department, it will first be necessary for a completed “Initial Licensure Application” form to be submitted to the Department, with accompanying documentation showing that the entity or individual will be the Governing Authority for the Facility as set forth by the Rules of the State Board of Health; OR
  - b. If by May 4, 2012, no other entity or individual has been licensed to operate the Facility as an abortion or reproductive health center, or if for other reasons New

Woman does not or cannot relinquish the operation and management of the Facility to an entity or individual licensed by the Department to operate the Facility, New Woman shall cease performing abortion procedures on or before May 11, 2012, but shall remain open and available for patient follow-up through the close of business on May 18, 2012. Thereafter, New Woman agrees that it shall close the Facility and that it shall return its license certificate to the Department.

2. The Department agrees to license an entity or individual other than New Woman to operate the Facility so long as the Department is satisfied, in its sole discretion, that the entity or individual is both willing and able to meet the Rules of the State Board of Health for the operation of an abortion or reproductive health center. The Department agrees that it shall not unreasonably withhold approval, subject to the following. Said entity or individual must be independent from and not affiliated with New Woman or its officers and directors and must agree that it or he/she will not employ Diane Derzis, Employee Identifier (“EI”) #4, and EI #13. New Woman agrees that the Department’s decision as to whether to license an entity or individual to operate the Facility is within the Department’s discretion, and hereby waives any and all rights it may have to challenge, appeal, or intervene in such decision.

3. New Woman agrees that EI #4 shall cease performing abortion procedures at the Facility on or before May 11, 2012, but shall remain available for patient follow-up for an additional seven days after performing abortion procedures.

4. New Woman further waives any and all rights to contest, challenge or appeal any action heretofore taken by the Department against New Woman or the Facility, including the citation of any deficiencies or rule violations.

5. Nothing in this Consent Agreement shall be construed to limit or prohibit the Department from taking other enforcement action against New Woman, including an emergency administrative order of closure, should New Woman violate the terms of this Consent Agreement or further violate the Rules of the State Board of Health.

6. Nothing in this Consent Agreement shall be construed to affect, impact, or in any way limit the Amended Permanent Injunction entered by the United States District Court for the Northern District of Alabama, Southern Division, in Civil Action Number CV-95-BU-0188-S, dated July 23, 1999.

7. This Consent Agreement shall be final and binding upon the parties, their successors and assigns, upon execution by the undersigned, who represent and warrant that they are authorized to enter this Consent Agreement on behalf of the parties hereto.

8. This Consent Agreement shall be incorporated into a final Consent Order to be entered by the State Health Officer and to be subject to enforcement by the Department.

2 11 19 2012

DONE and ENTERED on this the \_\_\_\_ day of ~~March~~, 2012.

New Women's, Inc., d/b/a  
New Woman All Woman Health Care

By: 

As Its: President

Date: 4/2/12

Alabama Department of Public Health

By: 

As Its: Bureau Director

Date: 4.2.2012