



February 18, 2015

Via U.S. Mail and Electronic Mail

Board of Commissioners
Jefferson County Public Hospital District No. 2
834 Sheridan Street
Port Townsend, WA 98368

Mr. Mike Glenn
Chief Executive Officer
Jefferson Healthcare
834 Sheridan Street
Port Townsend, WA 98368

Re: Compliance with the Reproductive Privacy Act, RCW 9.02

Dear Commissioners and Mr. Glenn,

We write to express our concern that Jefferson County Public Hospital District No. 2 d/b/a Jefferson Healthcare (hereinafter “Jefferson Healthcare”), which owns and operates a critical access care hospital and nine clinics, is not in compliance with the Reproductive Privacy Act (“RPA”), RCW 9.02.

We understand that although Jefferson Healthcare provides maternity care at its facilities and has adopted a Reproductive Health Care Policy stating that “[i]t is the policy of Jefferson Healthcare to abide by RCW’s 0.02.100[sic] and 9.02.160 within the limitations of the resources and services offered at the organization,” Jefferson Healthcare has a policy of not providing abortion services for persons needing or requesting such services.¹ We believe this violates the RPA and request that Jefferson Healthcare change its policies and practices to come into compliance with the law.

As you are aware, the RPA establishes that “[e]very woman has the fundamental right to choose or refuse to have an abortion” and that public hospital districts “shall not deny or interfere” with this fundamental right. RCW § 9.02.100(2)-(3). Further, state law requires that if a public hospital district provides maternity care benefits, services, or information, it must also provide abortion services. RCW § 9.02.160.

The Attorney General of the State of Washington has affirmed that a public hospital district that provides “a broad range of prenatal, childbirth, and postpartum services and information” is also required to provide abortion services. Wash. Att’y Gen. Op. 2013 No. 3, 2013 WL 4517410, at *4 [hereinafter “AGO”]. In fact, the Attorney General found that a public hospital district that provides maternity care, but does not

¹ Jefferson Healthcare, Reproductive Health Care Policy (Mar. 25, 2014), *available at* <http://www.jeffersonhealthcare.org/sites/www/Uploads/files/Form/Reproductive-health-policy-3-2014.pdf> (last accessed Feb. 18, 2015).

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provide abortions, violates both RCW § 9.02.160 and RCW § 9.02.100(4) by discriminating against the exercise of the fundamental rights recognized in the RPA. AGO at *5.

As a public hospital district serving the residents of Jefferson County, it is critical that Jefferson Healthcare provide the full range of women's and reproductive health care services as required by state law. A substantial portion of the population served by Jefferson Healthcare needs this full range of services, as evidenced by the fact that in 2013 there were 3,554 women of reproductive age in Jefferson County, and 205 births.² The RPA plainly applies to Jefferson Healthcare, as it provides a wide range of women's health care services, including prenatal care, childbirth and postpartum services.³ Indeed, Jefferson Healthcare has a Family Birth Center, which has four birthing suites.⁴ Jefferson Healthcare's Reproductive Health Care Policy, however, clearly states that "[r]eferral and informational services are provided to offer women and family choices regarding voluntary termination of pregnancy."⁵ It is therefore our understanding that while Jefferson Healthcare provides a full range of maternity care services, it has a policy of not providing the full range of abortion services.

We believe that Jefferson Healthcare's failure to provide abortion services violates state law. Our goal is to ensure that women seeking reproductive health care services at Jefferson Healthcare have access to the full range of services as required by law. Therefore, we request that Jefferson Healthcare change its policies and practices to fulfill its obligations under the RPA.

Sincerely,



Leah Rutman
Policy Counsel

² Center for Health Statistics, Washington State Department of Health, Table 15. Birth and Abortion Indicators by County of Residence, 2013 (Aug. 2014), *available at* <http://www.doh.wa.gov/portals/1/Documents/5400/Abortion152013.xls> (last accessed Feb. 18, 2015).

³ Jefferson Healthcare, Reproductive Health Care Policy, *supra* note 1; *see also* Jefferson Healthcare, Family Birth Center, http://www.jeffersonhealthcare.org/health_services/family_birth_center.aspx (last accessed Feb. 18, 2015).

⁴ Jefferson Healthcare, Family Birth Center, *supra* note 3.

⁵ Jefferson Healthcare Reproductive Health Care Policy, *supra* note 1.