



February 18, 2015

Via U.S. Mail and Electronic Mail

Board of Commissioners
Whidbey Island Public Hospital District
101 North Main Street
Coupeville, WA 98239-3413

Mr. Tom Tomasino
Chief Executive Officer
Whidbey General Hospital and Clinics
101 North Main Street
Coupeville, WA 98239-3413

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON

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Re: Compliance with the Reproductive Privacy Act, RCW 9.02

JEAN ROBINSON
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

Dear Commissioners and Mr. Tomasino,

We write to express our concern that Whidbey Island Public Hospital District d/b/a Whidbey General Hospital and Clinics (hereinafter “Whidbey General Hospital and Clinics”) is not in compliance with the Reproductive Privacy Act (“RPA”), RCW 9.02.

We understand that although Whidbey General Hospital and Clinics provides maternity care at its facilities, Whidbey General Hospital and Clinics 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 Whidbey General Hospital and Clinics 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.

¹ Whidbey General Hospital & Clinics, Reproductive Healthcare Policy, *available at* <https://www.whidbeygen.org/my-hospital/important-policies/reproductive-healthcare-policy> (last accessed Feb. 18, 2015).

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 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 Whidbey Island, it is critical that Whidbey General Hospital and Clinics 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 Whidbey General Hospital and Clinics needs this full range of services, as evidenced by the fact that in 2013 there were 12,951 women of reproductive age in Island County, and 877 births.² The RPA plainly applies to Whidbey General Hospital and Clinics, as it provides a wide range of women’s health care services, including prenatal care, childbirth and postpartum services.³ Indeed Whidbey General Hospital and Clinics has a Family Birthplace that has six birthing suites and delivers approximately two hundred babies annually.⁴ However, Whidbey General Hospital and Clinics’ Reproductive Healthcare Policy clearly states that “[w]omen who choose to voluntarily terminate a pregnancy will be provided a referral to a provider outside of Whidbey General Hospital.”⁵ It is therefore our understanding that Whidbey General Hospital and Clinics provides a full range of maternity care services but has a policy of not providing the full range of abortion services.

We believe that Whidbey General Hospital and Clinics failure to provide abortion services violates state law. Our goal is to ensure that women seeking reproductive healthcare services at Whidbey General Hospital and Clinics have access to the full range of services as required by law. Therefore, we request that Whidbey General Hospital and Clinics 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 Whidbey General Hospital & Clinics, Whidbey Family Birthplace, <https://www.whidbeygen.org/services/whidbey-family-birthplace-1> (last accessed Feb. 18, 2015).

⁴ *Id.*; *see also* Whidbey General Hospital & Clinics, *The Pulse* (Spring Summer 2014), *available at* <https://www.whidbeygen.org/about-wgh/pulse-magazine/whidbey-general-pulse-magazine-spring-summer-2014> (last accessed Feb. 18, 2015).

⁵ Whidbey General Hospital & Clinics, Reproductive Healthcare Policy, *supra* note 1.