DEFENDING HEALTHCARE ACCESS FOR ALL

Leah Rutman, Policy Counsel, ACLU of Washington
Presentation Take-Away

1. An Overview of Washington State Religious-Secular Health System Mergers/Affiliations

2. The Impact of Religion on Healthcare in Washington State

3. The Reproductive Privacy Act
No matter where you live in Washington…

You should have access to lawful best care medical treatment and the ability to make health care decisions without input or restrictions based on religion.
Hospital Admissions in 2012

[Map showing admissions to Catholic hospitals by state, with different shades indicating percentage ranges.]
Hospital Bed Count – 2010

Percentage of Beds in Religiously Affiliated Hospitals in Washington State if all Proposed and Pending Mergers are Approved

Results as of April 2010

NOTE: There are many types and degrees of affiliations with differing implications for possible restrictions of services. We recommend you contact your health facility or provider to find out about any restrictions.

ACLW
Hospital Bed Count - 2015

Percentage of Beds in Religiously Affiliated Hospitals in Washington State

Results as of October 2015

NOTE: There are many types and degrees of affiliations with differing implications for possible restrictions of services. We recommend you contact your health facility or provider to find out about any restrictions.
What Religious Health Care Corporations Operate in Washington?

- **Adventist Health**
  - Seventh-day Adventist affiliated

- **Ascension Health**
  - Catholic affiliated

- **CHI Franciscan Health**
  - Catholic affiliated

- **PeaceHealth**
  - Catholic affiliated

- **Providence Health & Services**
  - Catholic affiliated
Health System Affiliations

- Peace Island Medical Center (PeaceHealth)
- Harrison Medical Center (CHI Franciscan Health)
- Highline Medical Center (CHI Franciscan Health)
- United General Hospital (PeaceHealth)
- Swedish Medical Center (Providence)
- Kadlec Health System (Providence)
- Regional Hospital for Respiratory and Complex Care (CHI Franciscan Health)
More Than Hospitals Are Affected

- Physician Practice Groups
- Medical Clinics
  - Pacific Medical Centers - Providence
- Medical Laboratories
- Medical Student Training
  - University of Washington – PeaceHealth
  - Washington State University – Providence
- Insurance
Additional Affiliations

- **Virginia Mason and CHI Franciscan**
  - Intent to affiliate announced Nov. 1, 2016

- **CHI Franciscan and The Doctors Clinic**

- **Providence Health & Services and St. Joseph Health**
  - Intent to affiliate announced July 2015
  - Two religious health systems

- **Walgreens and Providence Health & Services**
  - Strategic clinical collaboration announced August 2015
  - Plan to open up to 25 new retail clinics in Oregon and Washington
Ethical and Religious Directives for Catholic Health Care Services

- Authored by U.S. Conference of Catholic Bishops
- Religious doctrine dictates service
The Directives Affect Reproductive Health Care

Fertility Treatment Not Allowed

“Reproductive technologies that substitute for the marriage act are not consistent with human dignity.”

Source: Ethical and Religious Directives for Catholic Health Care Services, 2009
The Directives Affect Reproductive Health Care

- “Catholic health institutions **may not promote or condone** contraceptive practices….”
- “**Abortion**…is **never permitted**”
- “**In case of extrauterine pregnancy, no intervention is morally licit which constitutes a direct abortion.**”
- “**Direct sterilization** of either men or women, whether permanent or temporary, **is not permitted** in a Catholic health care institution.”

Source: Ethical and Religious Directives for Catholic Health Care Services, 2009
The Directives Affect End-of-Life Health Care

- Advance Directives **May Not Be Honored**
- DNRs **May Not Be Honored**

“a Catholic health care institution . . . . **will not honor an advance directive that is contrary to Catholic teaching.**”

“The free and informed judgment made by a competent adult patient concerning the use or withdrawal of life-sustaining procedures should always be respected and normally complied with, **unless it is contrary to Catholic moral teaching.**”

Source: Ethical and Religious Directives for Catholic Health Care Services, 2009
“Catholic health care institutions may never condone or participate in [Death With Dignity] in any way.”

“Patients experiencing suffering that cannot be alleviated should be helped to appreciate the Christian understanding of redemptive suffering.”

Source: Ethical and Religious Directives for Catholic Health Care Services, 2009
The Directives May Affect Health Care for LGBT Individuals

- Recognition of Same-Sex Couples
- Fertility Treatments
- Transgender Health Care
Church Intrudes on Doctor-Patient Relationship

“The Church’s moral teaching on health care nurtures a truly interpersonal professional-patient relationship. **This professional-patient relationship is never separated, then, from the Catholic identity of the health care institution.**”
Catholic Health Care Directives Affect Employment

“Catholic health care services must adopt these Directives as policy, require adherence to them within the institution as a condition for medical privileges and employment, and provide appropriate instruction regarding the Directives . . . .”

Source: Ethical and Religious Directives for Catholic Health Care Services, 2009
Revisions to The Ethical and Religious Directives

- **November 2014:** US Conference of Catholic Bishops voted to revise **Part Six of the Ethical and Religious Directives**

  - **Part Six:** Forming New Partnerships with Health Care Organizations and Providers (i.e. mergers/affiliations with non-Catholic health entities)

  - Revision to incorporate guidance received from the Vatican’s Congregation for the Doctrine of the Faith
Ethical Conflicts

• "The relationship between patient and physician is based on trust and gives rise to physicians' ethical obligations to place patients' welfare above their own self interest and above obligations to other groups, and to advocate for their patients' welfare."

• A national survey found that 52% of OBGYNs working in Catholic hospitals experience conflict with religiously-based policies about care

The Directives Are Contrary to State Public Policy and Law

Washington Constitution
- Equal Rights Amendment
- Religious Freedom

- Prohibits discrimination based on sexual orientation and gender expression or identity

Death With Dignity Act (2008)
- Allows terminally ill adults to access lethal doses of medication from medical and osteopathic physicians

Marriage Equality (2012)
- Removes the prohibition on marriage for same-sex couples
Reproductive Privacy Act (1991)

“EVERY INDIVIDUAL HAS THE FUNDAMENTAL RIGHT TO CHOOSE OR REFUSE BIRTH CONTROL”

“EVERY WOMAN HAS THE FUNDAMENTAL RIGHT TO CHOOSE OR REFUSE TO HAVE AN ABORTION”

“If the state provides, directly or by contract, maternity care benefits, services, or information to women... the state shall also provide women... with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.”

- ATTORNEY GENERAL OPINION 2013 No. 3
Compliance with the Reproductive Privacy Act

February 2015 Letter to Whidbey Island Public Hospital District

February 18, 2015

Via U.S. Mail and Electronic Mail
Board of Commissioners
Whidbey Island Public Hospital District
101 North Main Street
Clinton, WA 98236-0413

Ms. Toni Tomassen,
Chief Executive Officer
Whidbey General Hospital and Clinics
101 North Main Street
Clinton, WA 98236

Re: Compliance with the Reproductive Privacy Act, RCW 9.02

Dear Commissioner and Mr. Tomassen,

We write to express our concern that Whidbey Island Public Hospital District, a public hospital district, shall not provide abortion services for persons residing or receiving services from its facilities. Whidbey General Hospital and Clinics has been found to be in compliance with the Reproductive Privacy Act, RCW 9.02.

We affirm that although Whidbey General Hospital and Clinics provides maternity care at its facilities, Whidbey General Hospital and Clinics has the authority to impose restrictions on abortion services as necessary to protect the health and safety of the pregnant woman.

As you are aware, the Reproductive Privacy Act establishes that a woman has the fundamental right to choose whether to have an abortion and that a public hospital district shall not deny or restrict the right to have an abortion. We have reviewed the Whidbey General Hospital and Clinics policy that restricts abortion services and have determined that it is in compliance with the Reproductive Privacy Act.

Yours sincerely,

ACLU

July 2015 Letter to San Juan County Public Hospital District No. 1

July 9, 2015

Via U.S. Mail and Electronic Mail
Board of Commissioners
San Juan County Public Hospital District No. 1
P.O. Box 170
Friday Harbor, WA 98250

Re: Compliance with the Reproductive Privacy Act, RCW 9.02

Dear Commissioners,

We write to express our concern that San Juan County Public Hospital District No. 1, which includes the San Juan General Hospital and Clinic, has not complied with the Reproductive Privacy Act, RCW 9.02.

We find that although San Juan General Hospital and Clinic provides maternity care at its facilities, the district has not adopted a reproductive health policy, including abortion services, that is in compliance with the Reproductive Privacy Act. The district has also failed to establish a policy that is in compliance with the Reproductive Privacy Act.

The Attorney General of the State of Washington has affirmed that maternity care includes a broad range of services,包括 abortion services, and that a public hospital district may not limit access to abortion services. The district has also failed to adopt a policy that is in compliance with the Reproductive Privacy Act.

We urge the district to adopt a policy that is in compliance with the Reproductive Privacy Act.

Yours sincerely,

ACLU

Mason County Public Hospital District No. 1

February 2015 Letter to Mason County Public Hospital District No. 1

February 18, 2015

Via U.S. Mail and Electronic Mail
Board of Commissioners
Mason County Public Hospital District No. 1
100 West Main Street
Oakville, WA 98639

Mr. Eric Mail,
Chief Executive Officer
Mason General Hospital and Family of Clinics
PO Box 100
Oakville, WA 98639

Re: Compliance with the Reproductive Privacy Act, RCW 9.02

Dear Commissioner and Mr. Mail,

We write to express our concern that Mason County Public Hospital District No. 1, which includes Mason General Hospital and Family of Clinics, has not adopted a reproductive health policy, including abortion services, that is in compliance with the Reproductive Privacy Act, RCW 9.02.

We find that although Mason General Hospital and Family of Clinics provides maternity care at its facilities, the district has not adopted a reproductive health policy, including abortion services, that is in compliance with the Reproductive Privacy Act. The district has also failed to establish a policy that is in compliance with the Reproductive Privacy Act.

The Attorney General of the State of Washington has affirmed that maternity care includes a broad range of services, including abortion services, and that a public hospital district may not limit access to abortion services. The district has also failed to adopt a policy that is in compliance with the Reproductive Privacy Act.

We urge the district to adopt a policy that is in compliance with the Reproductive Privacy Act.

Yours sincerely,

ACLU
Questions? Stories?

Contact Information

We want to know if you or someone close to you have had reproductive or end-of-life health care restricted or denied at a medical clinic, hospital or hospice facility. We also want to know if you or someone close to you have been discriminated against on the basis of sexual orientation or transgender status, at a medical clinic, hospital or hospice facility. **TELL US YOUR STORY.**

Please contact the ACLU of Washington at 206.624.2180
or [www.aclu-wa.org/healthcarestories](http://www.aclu-wa.org/healthcarestories)

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