



January 18, 2017

Via U.S. Mail and Electronic Mail

Board of Commissioners
Kittitas County Public Hospital District #1
603 S. Chestnut St.
Ellensburg, WA 98926

Ms. Julie Petersen
Chief Executive Officer, Interim
Kittitas Valley Healthcare
603 S. Chestnut St.
Ellensburg, WA 98926

Re: Compliance with the Reproductive Privacy Act, RCW 9.02

Dear Commissioners and Ms. Petersen:

We write to express our concern that Kittitas County Public Hospital District #1 (d/b/a Kittitas Valley Healthcare (hereinafter “KVH”)), is not in compliance with the Reproductive Privacy Act (“RPA”), RCW 9.02.

As you are aware, the RPA requires all public hospital districts that provide maternity services to also provide substantially equivalent pregnancy termination services.

It is our understanding that KVH provides a wide range of maternity care but does not provide termination services.¹ If this is true, KVH is in violation of the RPA and we request that KVH change its policies and practices to come into compliance with the law.

If KVH’s policy and practices have already changed and KVH is in fact providing termination services, please let us know.

Attached is a recent decision issued by the Superior Court of Skagit County. The decision affirms that a public hospital district violates Section 160 of the RPA whenever it provides maternity care to women through “any program” and fails to provide voluntary terminations as well. The Superior Court stated that “[c]ompliance with the RPA is not aspirational; it is mandatory.” Coffey v. Pub. Hosp. Dist. No. 1, Skagit Cnty. Wash. d/b/a/ Skagit Reg’l Health, No. 15-2-00217-4 at 7 (Wash. Super. Ct. June 20, 2016). Although individual practitioners may choose either to provide or

¹ Rosbach, Molly (2016, June 22). Abortion ruling puts Central Washington hospitals in dilemma. *YakimaHerald.com*. Retrieved from http://www.yakimaherald.com/lifestyle/health/abortion-ruling-puts-central-washington-hospitals-in-dilemma/article_e898b276-38f8-11e6-8907-f7e823bca817.html (“At KVH Hospital in Ellensburg, there are currently no health care providers who choose to perform abortion services, hospital spokeswoman Amy Diaz said.”) (last accessed Jan. 17, 2017); *see also* Kittitas Valley Healthcare, Reproductive Health Services, *available at* <http://www.kvhealthcare.org/reproductive-health-services/> (last accessed Jan. 17, 2017).

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not provide these services, “the state . . . cannot exercise such an opt out.” See id. at 6-7. A public hospital’s interpretation of “substantially equivalent” must be reasonable and comport with the RPA’s intention of ensuring that “[e]very woman has the fundamental right to choose or refuse to have an abortion” without interference or discrimination by the state. RCW 9.02.100.

Public hospital districts cannot simply refer patients to outside providers, nor can they cure non-compliance by pointing to the unwillingness of current employees to perform abortions: “Simply arguing that [a public hospital district] cannot find providers who might perform elective terminations, but that it would provide those services if it could find them does not fulfill the mandate of the RPA.” Coffey at 7.

As a public hospital district serving the residents of Kittitas County, it is critical that KVH provide reproductive health care services as required by state law. We would be more than happy to work with you to develop a plan that ensures women seeking reproductive healthcare services at your facilities have access to the full range of services as required by law. Please feel free to contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leah Rutman', with a horizontal line extending to the left and right of the name.

Leah Rutman
Policy Counsel