



August 27, 2013

VIA U.S. MAIL AND ELECTRONIC MAIL

Board of Commissioners
Island Hospital
1211 24th Street
Anacortes, WA 98221

Board of Commissioners
Skagit Valley Hospital
1415 E. Kincaid
Mount Vernon, WA 98273

Board of Commissioners
Cascade Valley Hospital
330 S. Stillaguamish
Arlington, WA 98223

**AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON**

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JEAN ROBINSON
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

Re: AGO 2013 No. 3 – August 21, 2013

Dear Commissioners:

Thank you for your work as Hospital Commissioners and your careful consideration of the health care needs in your communities. As you are aware, Washington Attorney General Bob Ferguson recently issued an opinion making clear the obligations of a public hospital district under the Reproductive Privacy Act, RCW 9.02 (“RPA”). As you move forward with affiliation plans, we urge you to ensure patient access to the full range of reproductive services and to develop unambiguous safeguards so that patients can exercise their rights under the RPA regardless of who you select as an affiliation partner.

The Attorney General Opinion reaffirmed Washington state’s strong public policy providing patients with full reproductive health care choice, stating that “if a public hospital district contracts for the provision of maternity care benefits, services, or information to women, and subsidizes those benefits through public funds, it is required to provide the substantially equivalent benefits, services, or information.” To do otherwise puts women’s health care at risk and violates state law.

The Interlocals provide a wide range of important health care services, including “maternity care benefits, services, or information” such as birth control and termination of pregnancies. Each of the hospitals operated by the Interlocals has a birthing center, and each of the Interlocals asserts publically that it provides a full range of women’s health services through affiliated physician clinics.

I want to bring to your attention that the obligations of a public hospital district under the RPA cannot be avoided through the delegation of management responsibility. A public hospital district’s obligations extend to any entities with whom it contracts for the provision of health care services. Given this, we urge you to ensure the continuation of maternity care benefits and services currently provided by the Interlocals. The community need for these critical services is well-documented. To deny women these services in the future would be discriminatory and an avoidance of a public hospital district’s obligations under the RPA.

The Attorney General’s opinion responded only to a limited question about the application of the RPA. However, we believe public hospital districts also must ensure adequate and equitable access to information, referrals, and services related to end-of-life and LGBT health care issues. This is consistent with state public policies designed to ensure that all Washingtonians have access to safe, quality, and affordable care, and can make informed decisions about their health care.

Thank you for your careful consideration of this matter. Please let me know if the ACLU can provide further information.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Taylor". The signature is written in a cursive, flowing style.

Kathleen Taylor
Executive Director
ACLU of Washington