



July 8, 2015

*Via U.S. Mail and Electronic Mail*

Board of Commissioners  
San Juan County Public Hospital District No. 1  
P.O. Box 370  
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 (hereinafter “the District”) is not in compliance with the Reproductive Privacy Act (“RPA”), RCW 9.02.

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). State law also requires that if a public hospital district provides maternity care benefits, services, or information, it must also provide substantially equivalent abortion benefits, services or information. RCW § 9.02.160.

The Attorney General of the State of Washington has affirmed that maternity care includes “a broad range of prenatal, childbirth and postpartum services and information” and that a public hospital district that provides maternity care is also required to provide the substantially equivalent abortion care. Wash. Att’y Gen. Op. 2013 No. 3, 2013 WL 4517410, at \*4-5 (hereinafter “AGO”). The Attorney General has found that a public hospital district that provides maternity care, but does not provide abortion care, 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. In fact, this AGO was written in response to a question that focused on San Juan County Public Hospital District No.1’s contract with PeaceHealth. AGO at \*2. In this contract PeaceHealth, a religious health care corporation, agreed to construct and operate a clinic/hospital, and the District agreed to subsidize the operation of the clinic/hospital by providing a substantial portion of the District’s annual tax revenue. *Id.*

It is our understanding that the District, has contracted with PeaceHealth for the provision of health care services through Peace Island Medical Center (hereinafter “PIMC”). PIMC has asserted that prenatal services and “[g]ynecologic and ongoing

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pregnancy care is delivered at Peace Island Medical Center.”<sup>1</sup> However, PIMC’s reproductive health care policy states that “PeaceHealth does not allow direct abortions.”<sup>2</sup> Indeed, PIMC’s website clearly states that “[e]lective abortions are not performed,” “RU 486... will not be provided” and “PeaceHealth does not refer directly to providers who perform procedures prohibited at PeaceHealth facilities (i.e. abortion. . .).”<sup>3</sup> It is therefore our understanding that while the District provides maternity care services through PIMC, it does not provide the substantially equivalent abortion care. Instead, it has contracted with, and is providing a substantial portion of the district’s annual tax revenue to, an entity that prohibits abortion services. The District cannot contract away its obligation to comply with the RPA.

We believe that the District’s failure to provide abortion care violates state law. As a public hospital district serving the residents of San Juan Island, the District has a vital responsibility to provide reproductive health care services as required by state law. Therefore, we request that the District change its policies and practices to fulfill its obligations under the RPA.

Sincerely,



Leah Rutman  
Policy Counsel

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<sup>1</sup> PeaceHealth Peace Island: Benefiting the Community, <http://www.peacehealth.org/peace-island/Pages/Peace-Island-Benefitting-the-Community.aspx> (last accessed July 8, 2015).

<sup>2</sup> PeaceHealth Reproductive Health Care Policy *available at* <http://www.doh.wa.gov/Portals/1/Documents/2300/HospPolicies/PeaceHealthIslandRH.pdf> (last accessed July 8, 2015)

<sup>3</sup> News at PeaceHealth Peace Island Medical Center, Answering Your Questions: Reproductive Health, End-of-Life Care, Discrimination (April, 9 2013), <https://www.peacehealth.org/peace-island/Pages/Answering-Your-Questions-Reproductive-Health,-End-of-Life-Care,-Discrimination-.aspx> (last accessed July 8, 2015).