



January 3, 2013

Via E-mail and U.S. Mail

Lenore Bayuk, Board Chairperson
J. Michael Edwards, Board Secretary/Treasurer
George Foster, Board Commissioner
Keri Talbott, Board Commissioner
Rosanna O'Donnell, Board Commissioner

San Juan County Public Hospital District #1
P.O. Box 2178
Friday Harbor, WA 98250

**Re: San Juan County Public Hospital District #1
Subsidy Agreement with PeaceHealth**

ACLU OF WASHINGTON
FOUNDATION
901 FIFTH AVENUE #630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

Dear Commissioners,

It has come to our attention that San Juan County Public Hospital District #1 has entered into a 50-year subsidy agreement with PeaceHealth, a Catholic corporation, for the construction and operation of Peace Island Medical Center, a critical access hospital. While we commend the Hospital District for acting to improve health care services on San Juan Island, we are deeply concerned that PeaceHealth's religiously based policy of restricting access to reproductive and end-of-life health services violates the Washington Constitution and state law. Our concerns are exacerbated by the likelihood of increased restrictions should a proposed merger between PeaceHealth and Catholic Health Initiatives, another Catholic corporation, go forward.

San Juan Island residents have the right to expect that a tax-supported health care facility will not deny them basic, lawful and medically-proven health services on the grounds that such services conflict with religious doctrine. We urge the Hospital District to renegotiate its contract with PeaceHealth and to oppose the proposed merger with Catholic Health Initiatives, unless it guarantees you that it will provide San Juan Island residents access to health care services which is not restricted by the hospital's religious doctrine.

As a government entity, the San Juan County Public Hospital District is bound by the Washington Constitution. The Washington Constitution provides that "no

public money or property” shall be used to support “any religious establishment.” (Article I, Section 11) By providing an annual subsidy to PeaceHealth, the Hospital District is impermissibly supporting the religious restrictions on reproductive and end-of-life health services.¹

Under the subsidy agreement, PeaceHealth appears to retain full discretion to determine the scope of services provided at Peace Island Medical Center. Further, the agreement allows PeaceHealth to freely amend its “ethical policies,” which means that PeaceHealth could further restrict access to health services based on religious doctrine.

PeaceHealth’s ability to amend its “ethical policies” at any time is of special concern in light of its proposed merger with Catholic Health Initiatives, which adheres to the Ethical and Religious Directives for Catholic Health Care Services, promulgated by the U.S. Conference of Catholic Bishops. These directives impose even broader restrictions on a wide range of legal and medically-proven health services than PeaceHealth’s asserted ethical policies. PeaceHealth has stated that in the event of a merger, its health care facilities will continue to operate under PeaceHealth’s ethical policies and not the even more restrictive directives of the U.S. Catholic Bishops; however, the lack of any legally binding document to that effect fails to protect against the possibility of further restrictions on access to reproductive and end-of-life health services in the future.

With respect to state law, the Reproductive Privacy Act, enacted by voters statewide in 1991, establishes as the public policy of the state of Washington that “every individual has the fundamental right to choose or refuse birth control,” and “every woman has the fundamental right to choose or refuse to have an abortion.” The Reproductive Privacy Act prohibits the government from denying or interfering with a woman’s fundamental rights and from discriminating against the exercise of these rights. As a government entity, the Hospital District should not subsidize religious facilities that discriminate against women’s fundamental rights.

In sum, government cannot subsidize health care facilities that deny reproductive health services to the community based on its religious views. The County must insist that, in order to receive public funds, PeaceHealth or other medical facilities provide access to contraceptive services and abortion and that their policies be based on medical ethics and state law, not religious doctrine.

Although the new PIMC has opened its doors to the public, it is not too late to resolve these important problems. We ask that you ensure that San Juan Island

¹ The Hospital District should also consider its obligations under Article VIII, Section 7 of the Washington Constitution which prohibits state funds from being used to benefit private interests when the public interest is not primarily served. The subsidy amounts to an unconstitutional gift of taxpayer money to PeaceHealth for its benefit.

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residents can access reproductive and end-of-life health services. We welcome any opportunity to discuss this matter with you further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen Taylor". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathleen Taylor
Executive Director

cc: Coalition for Health Care Transparency and Equity