

SUBJECT: REPRODUCTIVE HEALTH	REFERENCE #
DEPARTMENT: HOSPITALWIDE	PAGE: 1 OF: 3
APPROVED BY: L.A. "Pete" Peterson, MSN, RN, Director of Nursing Services Jeremy C. Lewis, DO, Chief of Staff	EFFECTIVE: 11/5/1991 REVISED: 04/01/2017 8/29/2019

**POLICY:**

The Reproductive Privacy Act was approved by the voters of Washington State on November 5, 1991, and declares that it is the public policy of the State that:

- (1) every individual has a fundamental right to choose or refuse birth control;
- (2) every woman has a fundamental right to choose or refuse to have an abortion, except as specifically limited by the Reproductive Privacy Act;
- (3) the State and its municipal corporations shall not deny or interfere with a woman's fundamental right to choose or refuse to have an abortion, except as specifically permitted by the Reproductive Privacy Act; and
- (4) the State and its municipal corporations shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services or information.

The term "State" is defined in the Act to include municipal corporations such as Public Hospital Districts (RCW 9.02.170).

The following is the legal obligation of WA State Public Hospital Districts (PHD), with respect to the provision of abortion, family planning and reproductive health services:

If a PHD provides maternity care benefits, services or information to women, directly or by contract, the PHD is also required to provide women with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies. Therefore, a PHD that provides maternity care may not prohibit abortions from being performed in its facilities. No law or regulation requires a PHD to provide family planning or reproductive health services.

The Act also requires the State to provide abortion benefits, services and information that are substantially equivalent to the maternity care benefits, services and information offered by the State. The Act provides in part: If the State provides, directly or by contract, *maternity care benefits, services, or*

*information* to women through any program administered or funded in whole or in part by the State, the State shall also provide women otherwise eligible for any such program *with substantially equivalent benefits, services, or information* to permit them to voluntarily terminate their pregnancies.

**PROCEDURE:**

Public Hospital Districts cannot perform abortions without participation of its medical staff and employees. The Act prohibits a PHD from ***requiring*** its medical staff or employees to participate in the performance of abortions. Physicians who refuse to perform abortions cannot be denied privileges nor can their medical staff privileges be adversely affected. Accordingly, if Newport Hospital & Health Service's (NHHS) medical staff or employees are unwilling to perform abortion services, it may be impossible to provide abortion services that are substantially equivalent to the maternity care services available at its facilities.

In order to reconcile the above provisions, NHHS provides that:

Newport Hospital and Health Services will make its facilities available to members of its medical staff who are ***willing*** to perform abortions. However, NHHS cannot, under its bylaws, regulations or policies, ***mandate*** physicians to provide abortion services.

NHHS provides maternity services, and makes its facilities available to physicians who are willing to perform abortions. NHHS provides to patients seeking information regarding referrals for maternity services and provides similar referral information for abortions, regardless of whether or not the services are provided by its medical staff.

**Family Planning and Reproductive Services**

The Act declares that it is the public policy of the State of Washington that every individual has the fundamental right to choose or refuse birth control. The Act does not, however, impose an affirmative duty on the State or its municipal corporations, such as Public Hospital Districts (PHD), to provide birth control or other family planning or reproductive services.

**PROCEDURE:**

A PHD cannot provide for Family Planning and other Reproductive Services without the assistance of their medical staff and employees. The Act prohibits a PHD from requiring its medical staff or employees to participate in the Family Planning and other Reproductive Services. Physicians who refuse to perform Family Planning and other Reproductive Services cannot be denied privileges nor can their medical staff privileges be adversely affected. Accordingly, if

Newport Hospital & Health Service's (NHHS) medical staff or employees are unwilling to perform Family Planning and other Reproductive Services, it may be impossible for NHHS to provide Family Planning and other Reproductive Services that are substantially equivalent to the maternity care services available at its facilities.

In order to reconcile the above provisions, NHHS provides that:

Newport Hospital and Health Services makes its facilities available to members of its medical staff who are willing to perform Family Planning and other Reproductive Services.

NHHS, via its bylaws, regulations or policies, neither prohibits nor mandates that a physician or staff member provide Family Planning and other Reproductive Services.

NHHS provides referral information for maternity services, and shall provide similar referral information for Family Planning and other Reproductive Services.