



February 18, 2015

Via U.S. Mail and Electronic Mail

Board of Commissioners
Mason County Public Hospital District No. 1
P.O. Box 1668
Shelton WA 98584

Mr. Eric Moll
Chief Executive Officer
Mason General Hospital & Family of Clinics
PO. Box 1668
Shelton, WA 98584

AMERICAN CIVIL
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JEAN ROBINSON
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

Re: Compliance with the Reproductive Privacy Act, RCW 9.02

Dear Commissioners and Mr. Moll,

We write to express our concern that Mason County Public Hospital District No. 1 d/b/a Mason General Hospital & Family of Clinics (hereinafter “Mason General Hospital & Family of Clinics”) which owns and operates a critical access care hospital and eight clinics, is not in compliance with the Reproductive Privacy Act (“RPA”), RCW 9.02.

We understand that although Mason General Hospital & Family of Clinics provides maternity care at its facilities and has adopted a reproductive health policy stating that “[a]s a public hospital district which provides maternity care services and information to women, the District recognizes its obligation to also provide women otherwise eligible for maternity services with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies,” Mason General Hospital & Family of Clinics has a policy of not providing abortion services for persons needing or requesting such services.¹ We believe this violates the RPA and request that Mason General Hospital & Family of Clinics change its policies and practices to come into compliance with the law.

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). Further, state

¹ Mason General Hospital & Family of Clinics, Reproductive Health and Voluntary Pregnancy Termination Policy (Mar. 19, 2014), *available at* <http://www.doh.wa.gov/Portals/1/Documents/2300/HospPolicies/MasonGeneralRH.pdf> (last accessed Feb. 18, 2015).

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

The Attorney General of the State of Washington has affirmed that a public hospital district that provides “a broad range of prenatal, childbirth, and postpartum services and information” is also required to provide abortion services. Wash. Att’y Gen. Op. 2013 No. 3, 2013 WL 4517410, at *4 [hereinafter “AGO”]. In fact, the Attorney General found that a public hospital district that provides maternity care services, but does not provide abortions, 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.

As a public hospital district serving the residents of Mason County, it is critical that Mason General Hospital & Family of Clinics provide the full range of women’s and reproductive health care services as required by state law. A substantial portion of the population served by Mason General Hospital & Family of Clinics needs this full range of services, as evidenced by the fact that in 2013 there were 9,502 women of reproductive age in Mason County, and 594 births.² The RPA plainly applies to Mason General Hospital & Family of Clinics, as it provides a wide-range of women’s health care services, including prenatal care, childbirth and postpartum care.³ Indeed, Mason General Hospital & Family of Clinics has a Birth Center at which hundreds of births take place.⁴ However, Mason General Hospital & Family of Clinics’ Reproductive Health and Voluntary Pregnancy Termination Policy clearly states that “[i]f an individual decides to voluntarily terminate their pregnancy, they will be provided with appropriate referrals to qualified providers, information and educational material to assist them to voluntarily terminate their pregnancy.”⁵ It is therefore our understanding that Mason General Hospital & Family of Clinics provides a full range of maternity care services but has a policy of not providing the full range of abortion services.

We believe that Mason General Hospital and Family of Clinics’ failure to provide abortion services violates state law. Our goal is to ensure that women seeking reproductive healthcare services at Mason General Hospital & Family of Clinics have access to the full range of services as required by law. Therefore, we request that Mason General Hospital & Family of Clinics change its policies and practices to fulfill its obligations under the RPA.

² Center for Health Statistics, Washington State Department of Health, Table 15. Birth and Abortion Indicators by County of Residence, 2013 (Aug. 2014), *available at* <http://www.doh.wa.gov/portals/1/Documents/5400/Abortion152013.xls> (last accessed Feb. 18, 2015).

³ Mason General Hospital & Family of Clinics, The Birth Center, <http://www.masongeneral.com/birth.htm> (last accessed Feb. 18, 2015).

⁴ *Id.*

⁵ Mason General Hospital & Family of Clinics, Reproductive Health and Voluntary Pregnancy Termination Policy, *supra* note 1.

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

Leah Rutman
Policy Counsel