



Lessons from California

Ending Restrictions on Access to Reproductive Health Services April 2015

THE ISSUE:

Many communities are deprived of access to reproductive health services when the local hospital is Catholic. Most Catholic hospitals are accountable to the U.S. Conference of Catholic Bishops and are governed by the [Ethical and Religious Directives for Catholic Healthcare](#) (Directives), which severely restrict reproductive health services including contraception, voluntary sterilization, some treatments for ectopic pregnancies, abortion, and many infertility treatments; they also may limit miscarriage management even if the fetus is not viable. The Catholic Directives prohibit willing providers from offering these services in all facilities owned by the hospital including clinics and office buildings. The Directives overrule medical standards of care, and there are no exceptions for emergencies or when a woman's life is in danger. When a Catholic hospital is up for sale, often the hospital demands that the new owner – even if it is secular, or of a different faith – [maintains the religious restrictions](#) on reproductive health services.

Such health system sales transactions in California must be approved by the state Attorney General (AG) after a public process. In response to the ongoing loss of reproductive health services, California enacted [SB 932 \(Bowen\)](#) in 2003, prohibiting a seller from restricting the type or level of medical services that a buyer can offer. California also promulgated regulations, promoted by NHeLP, that require the Attorney General to [assess the impact of the transaction on access to reproductive health services](#) in the community served by the hospital.

ADDITIONAL RESOURCES

[AG Conditions on
DOCHS Sale to
Prime](#)

[AG Press Release](#)

[Nonprofit Hospital
Transaction Notices](#)

STRATEGY AND ACTIONS:

In late 2014, the Daughters of Charity Health System (DOCHS) applied to the AG for approval of the sale of its six hospitals to Prime Healthcare, a secular for-profit operator. Some of these hospitals never provided critical reproductive health care services, so the AG's review was important to ensure that community needs were met with the sale.

On February 20th, 2015, the [AG approved the sale](#) with several key conditions. Aside from requirements such as maintaining Medi-Cal contracts and providing community benefits, the AG required that there shall be no restriction or limitation on providing reproductive health care services including services prohibited by the Directives, and that this requirement will apply to all hospitals, their medical office buildings, and any other facilities. In addition, the AG affirmatively required the hospitals to provide certain reproductive health care services for at least ten years as a condition of the sale, and to establish written policies to prevent discrimination against LGBT individuals.

While Prime Healthcare ultimately declined to purchase the hospitals, the important reproductive health-related conditions imposed by the AG were a direct result of the review process for which NHeLP advocated. NHeLP and advocates will continue to monitor the DOCHS hospitals to ensure that access to reproductive health care services is not compromised.

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