

March 16, 2020

Janet Napolitano, President
University of California
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University of California Board of Regents
Office of the Secretary and Chief of Staff to the Regents
1111 Franklin St., 12th floor
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regentsoffice@ucop.edu

Via email and U.S. Mail

Re: UC Affiliation with Entities that Impose Religious Restrictions on Health Care

Dear President Napolitano and Regents of the University of California:

We are writing as organizations invested in protecting and advancing access to evidence-based health care for all to express our deep concern over the University of California's affiliations that impose religious restrictions on UC providers and patients. We oppose Option 1 in the report by the Working Group on Comprehensive Access, because it would involve UC in arrangements that deny needed care to patients, violate UC's obligations as a public entity, and undermine California's current position as a strong defender of laws and policies that ensure equal access to health care and other services, free from discrimination.

Reproductive and LGBTQ-inclusive care is fundamental, basic health care. We continue to be alarmed that the University of California, which has long been a leader in comprehensive reproductive and LGBTQ-inclusive care, would be willing to involve its providers and patients in arrangements that would subject them to religious rules that characterize basic reproductive health care as "inherently evil" and directly exclude LGBTQ patients. Yet it is clear from the contracts that UC Health Centers have already entered into that UC has done just that, and, unfortunately, the UC Health-backed proposal for ongoing affiliations with religious entities—Option 1—would continue these contracts.

Catholic religious restrictions are embedded in Catholic hospitals, as both policy and medical staff bylaws. Any person practicing in the hospital is required to comply with the religious directives. For example, Jesse Hammons, a transgender man, was recently denied gender-affirming care by a University of Maryland physician because that physician was practicing in a Catholic hospital. The same would be true here. If UC continues to place its providers in Catholic hospitals, then it will be supporting the differential and discriminatory treatment of LGBTQ patients and patients who need reproductive healthcare.

In addition to the harmful impact on patients, we are concerned about the threat posed to the University of California itself by the type of affiliations that Option 1 seeks to institutionalize. UC is a public entity that is mandated by the California Constitution to be free of religious influence. It is also a vital public academic medical center that trains half of California's medical students and residents, as well as countless other health professionals. Placing UC providers and students in settings where the care they provide is dictated

by religion erodes the important barrier between church and state and undermines the education of UC students. Although Option 1 espouses LGBTQ-inclusive values, pursuing affiliations that result in discriminatory care of LGBTQ people sends the message to its students—most importantly its LGBTQ students—that these values are expendable. Finally, as a large, public employer in California, UC should not be seeking affiliations that either place religious restrictions on its employees or outsource UC care to religiously restrictive environments.

UC Health leaders also assert that affiliations placing UC providers and patients in religiously restrictive hospitals are necessary to expand access to under-served communities, citing Catholic hospitals as significant providers to patients with Medi-Cal. We take issue with the argument that access to reproductive health care and LGBTQ-inclusive care can be separated from, and pitted against, access to other forms of healthcare. The care prohibited by the Catholic restrictions intersects with a range of other services, including cardiology, cancer care, and mental health care. And patients of color, low-income patients and others who experience systemic barriers to health care access are most in need of quality, comprehensive care, including comprehensive reproductive health care and bias-free care for LGBTQ people. Catholic hospitals are not the only providers of health care to patients who have Medi-Cal or who are uninsured, and we believe strongly that UC should focus its affiliations on advancing access to robust, evidence-based, and patient-centered care for under-served patients and communities, not embedding UC personnel in systems that erect barriers to complete care.

Finally, were UC to adopt guidelines that permit religious restrictions on the health care it provides, we are deeply worried about the harmful impact this would have on the national landscape. To date, California has been a leader in opposing religiously based discrimination in healthcare, including suing the Trump Administration Department of Health and Human Services over its so called “Conscience Protection” refusal rule. It is extremely troubling that an institution as important as the University of California would be seeking to participate in this kind of healthcare discrimination. As threats to reproductive health care access continue to escalate at the national level, and more barriers are erected against LGBTQ individuals seeking care, UC must remain firmly committed to its history and bedrock principles of inclusive, unbiased care.

If UC votes to move forward with contracts in which UC providers participate in limiting patient access to reproductive and LGBTQ-inclusive care, it will send a message to the nation that it is permissible to impose such limits on care. We strongly urge UC to carefully consider its values and to vote against Option 1 and contracts that impose religious restrictions on UC providers and patients.

Sincerely,

ACT for Women and Girls

AFSCME 3299

American Civil Liberties Union

American Civil Liberties Union of California

American Nurses Association California

Asian Americans Advancing Justice - Asian Law Caucus

Asian Americans Advancing Justice - Los Angeles

Bay Area Lawyers for Individual Freedom

Black Women for Wellness

BreastfeedLA

Business & Professional Women of Nevada County

California Latinas for Reproductive Justice

California LGBTQ Health and Human Services Network

California National Organization for Women
California Nurse-Midwives Association
California Women's Law Center
Center on Reproductive Rights and Justice at Berkeley Law
Citizens for Choice
Council for UC Faculty Associations
Davis Phoenix Coalition
Desert AIDS Project
Equal Rights Advocates
Equality California
Gender Health Center
GLMA: Health Professionals Advancing LGBTQ Equality
Hollywood NOW
Human Rights Campaign
If/When/How: Lawyering for Reproductive Justice
Lambda Legal
LGBT Health and Human Services Network
Los Angeles LGBT Center
NARAL Pro-Choice America
NARAL Pro-Choice California
National Center for Lesbian Rights
National Center for Transgender Equality
National Center for Youth Law
National Council of Jewish Women - Long Beach Section
National Council of Jewish Women California
National Health Law Program
National LGBTQ Task Force
National Organization for Women
National Women's Law Center
Orange County Equality Coalition
Positive Women's Network
Religious Coalition for Reproductive Choice of California
Sacramento LGBT Community Center
San Francisco LGBT Center
TEACH - Training in Early Abortion for Comprehensive Healthcare
The Other Voice Poetry Series
Transgender Law Center
Uniting for Racial Justice
University Professional and Technical Employees (UPTE)
Voices for Progress
Women For: Orange County
Women's Foundation of California