

August 6, 2020

Michael V. Drake, M.D., President-designate
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Oakland, CA 94607
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University of California Board of Regents
Office of the Secretary and Chief of Staff to the Regents
University of California
1111 Franklin St., 12th floor
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regentsoffice@ucop.edu

Via email and U.S. Mail

Re: Affiliations that Impose Religious Restrictions on UC Health Care

Dear President-designate Drake and Regents:

As openly LGBTQ+ elected officials in the State of California, we are committed to protecting and advancing access to evidence-based healthcare for our constituents and for all Californians. It is for this reason that we write to express our serious concerns over the University of California's affiliations that impose religious restrictions on UC providers, student trainees and patients. These religious restrictions limit the healthcare patients can receive, including LGBTQ+ inclusive care, abortion care, miscarriage management, tubal ligation, and contraception. The consequences of denying this care can be life-threatening.

COVID-19 reminds us that health is precious, and healthcare should be accessible for all of us. Because LGBTQ+ people already experience greater disparities in health and well-being compared to the general public, nondiscriminatory access to healthcare is essential.

In recent years, the Trump-Pence Administration has sought to undermine access to LGBTQ+ and reproductive healthcare by dangerously expanding the ability for healthcare institutions and providers to deny care citing any religious or moral objection. California, through the work of Attorney General Xavier Becerra, has fought against the Trump-Pence Administration's Refusal of Care rule, attempts to limit access to birth control based on religious and moral objections, and every effort to impose religious restrictions on healthcare.

The State of California, on the other hand, has long been a leader in LGBTQ+ equality and reproductive freedom, standing up for the rights of all people to receive healthcare and other services free from discrimination. Just last year, amid the onslaught of abortion bans being passed in anti-choice states across the country, Governor Gavin Newsom joined the governors of Oregon and Washington calling on other states to strengthen reproductive health laws. That same day, Governor Newsom issued a proclamation reaffirming California's commitment to

reproductive freedom for all people. Similarly, last year the Legislature acted to advance sexual and reproductive health by passing SB 159 to reduce barriers to accessing HIV preventative medications, and SB 24 to require that medication abortion is provided at all UC and California State University campuses.

We understand that the UC Regents plan to adopt new guidelines for UC health system contracts. We think it is of paramount importance that the guidelines the Regents adopt draw what should be an obvious, fundamental line: UC is a public entity and it should not limit its healthcare based on religious doctrine. Furthermore, consistent with state laws — and consistent with UC’s own nondiscrimination policies — UC must also take a clear stand on nondiscrimination in its contracts. To be clear, the UC Health-backed proposal — known as “Option 1” — fails both of these essential requirements.

It is deeply alarming that the University of California would be willing to involve its providers, student trainees, and patients in arrangements that subject them to religious restrictions on treatment. These rules explicitly exclude LGBTQ+ patients and hold that basic reproductive healthcare is impermissible. LGBTQ+ inclusive and reproductive care is fundamental, basic healthcare, and we in California must stand strong in protecting it.

We reject the notion that these affiliations, which subject UC personnel, students and patients to religious restrictions on care, expand access to healthcare. On the contrary, when UC clinicians cannot provide evidence-based care, it needlessly results in restrictions to access. Patients of color, low-income patients, people living with HIV and AIDS, and others who experience health disparities and systemic barriers to healthcare access are most in need of quality, comprehensive care.

It is also insufficient to assert that patients can simply get treated or transferred elsewhere. In an emergency, an LGBTQ+ or pregnant person who finds themselves at a religiously affiliated hospital needs immediate care. For example, in her study of the experiences of OB/GYNs working in Catholic hospitals, UCSF’s Dr. Lori Freedman found that in some cases ethics committees wouldn’t approve terminating a pregnancy even when the mother was facing death, as long as a “fetal heartbeat” could be discerned.¹ Similarly, patients cannot simply seek care at a different hospital because in many regions of the state – including Santa Cruz and increasingly Napa County – there are only religiously affiliated hospitals. The UC must be the provider that can offer comprehensive healthcare to all patients.

The University of California is one of the largest healthcare providers in the state and has an obligation to represent California values. If the Regents vote to move forward with contracts in which UC providers are forced to participate in limiting patient access to LGBTQ+ inclusive and reproductive care, it will send a message to the nation that it is permissible to impose such limits on care, just as the Trump-Pence Administration has repeatedly sought to do. As the UC Regents

¹ Freedman, Lori, et al. “When There’s a Heartbeat: Miscarriage Management in Catholic-Owned Hospitals.” *American Journal of Public Health*, vol. 98, no. 10, Oct. 2008, <https://www.documentcloud.org/documents/5817375-Freedman-on-Cath.html>.

adopt new guidelines, we strongly urge UC to mandate that any current or future affiliations must explicitly require that UC personnel, students and patients are not subject to religiously imposed restrictions and can provide and receive the full scope of healthcare.

Sincerely,

Hon. James Aguilar, San Leandro Unified School District Board Trustee

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Hon. Scott Houston, West Basin Municipal Water District Director

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Hon. Sheila Kuehl, Los Angeles County Supervisor

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