

December 14, 2015

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Dwayne Pinon (dwayne.pinon@walgreens.com)
Walgreen Co.
200 Wilmot Rd.
Deerfield, Illinois 60015

Re: Walgreens's partnership with Providence Health & Services

Dear Ms. Cohn and Mr. Dwayne:

We are a group of public interest organizations that advocate for patients' rights and comprehensive health care access. We are writing in regard to the announcement that Walgreens and Providence Health & Services will be collaborating to open up to 25 in-store health clinics in Washington and Oregon, which will be staffed by Providence and Swedish Health Services employees. We are seeking a meeting to express some concerns about this undertaking and to obtain more information.

We appreciate Walgreens's objective to provide customers with convenient access to basic health services. However, as Providence is a religious health system, we are very concerned that these clinics will limit patients' access to important health services. Customers or patients who request services at these clinics or at Walgreens's pharmacies are entitled to assurances that the services, information, and referrals they receive will not be restricted by religious doctrine.

As you are likely aware, Providence is a Catholic health care system that is required to follow the Ethical and Religious Directives ("ERDs") promulgated by the United States Conference of Catholic Bishops. These directives forbid or severely restrict critical reproductive and end-of-life health care services at Catholic health facilities, including contraception, abortions, fertility treatments, vasectomies, tubal ligations, aid in dying,¹ and advance directives that are contrary to Catholic teachings. Some religious health systems also restrict the information and referrals that their health providers are allowed to give to patients. Adherence to the ERDs also increases the likelihood that LGBTQ individuals and their families will face discrimination in seeking to access health care services consistent with their medical needs.

In our states, we have consistently seen that when secular entities join with religious health systems, the services, information, or referrals provided at the secular entity become limited by religious doctrine. While Swedish is not a Catholic health care system, it formally affiliated with Providence in 2012, and subsequently eliminated "elective" abortion services at Swedish facilities. Other examples abound.² Of additional concern, even short of formal affiliations,

¹ Both Washington and Oregon have Death with Dignity laws protecting patients who choose aid in dying.

² When Harrison Medical Center in Bremerton, Washington, affiliated with a religious health system in 2013, doctors on duty at Harrison were no longer able to prescribe medications to assist with aid in dying, as allowed by Washington's Death with Dignity law. When Highline Medical Center, based in Burien, Washington, affiliated with a religious health system in 2013, it agreed not to engage in actions that conflict with the ERDs.

other types of transactions between secular businesses and religious health care systems, such as leasing office space, can result in secular entities such as private medical practices agreeing to religious restrictions on care.³

It is our understanding that the proposed clinics will be owned and operated by Providence and will be staffed by Providence and Swedish employees. As Providence is bound by the ERDs, we are concerned that the clinics will likewise be required to follow the ERDs, limiting access to important medical services, information, and referrals. Further, we are concerned, especially in light of the plan to form a Providence-Walgreens collaborative leadership governance council, that Walgreens's pharmacies' ability to fill prescriptions will be restricted by religious doctrine.

Access to reproductive and end-of-life health services

We request information regarding how Walgreens will ensure that all of its customers receive reproductive and end-of-life health care services, information, and referrals that meet medical standards of care. Our foremost questions are: Will the clinics be bound by the ERDs? And will the Providence and Swedish employees who work at the clinics be bound by the ERDs?⁴ We have laid out some of our specific questions below.

Access to reproductive health care services is critical to an individual's health, autonomy, and ability to participate equally in society. What reproductive health services will be available at the clinics? For example, will these clinics provide prescriptions for one-time renewals of birth control, similar to other Walgreens's clinics? And will Walgreens's pharmacies that house these clinics continue to fill prescriptions for birth control, and emergency contraception?

Regarding end-of-life care, patient-directed end-of-life care and expanded choice for the terminally ill are important to ensure patient dignity and to ensure no one dies in pain and no one dies alone. What end-of-life health services will be available at the clinics? Will Walgreens's pharmacies that house these clinics be allowed to fill prescriptions for medication to assist with requests pursuant to Death with Dignity laws?⁵

Equally essential to services is access to full and medically accurate information, and direct referrals. Customers and patients have the right to information regarding all of their options in order to make educated health care decisions. How does Walgreens plan to protect its customers' rights to receive information about all available reproductive and end-of-life health information? Will patients who are discussing their reproductive health issues with medical providers at these clinics be given information about all their options, including abortions, fertility treatments, vasectomies, and tubal ligations? Will patients who are discussing end-of-

³ When a PeaceHealth facility in Washington State contracted to lease space to a physician group, the contract required that certain services, procedures and activities would not be performed in the leased space, including abortion, and aid-in-dying. (Document obtained through public records request; on file with ACLU-WA.)

⁴ Even if the clinics are not planning to provide reproductive and end-of-life health care at this point in time, if they are bound by the ERDs, they will be restricted from providing this care in the future. Therefore, it is essential that, irrespective of the services provided at the clinics when they open, the clinics not be bound by the ERDs.

⁵ It is our understanding that there have been rare instances in which Walgreens's pharmacists have filled such prescriptions in the past.

life care with medical providers at these clinics be given information about all their options, including Death with Dignity and all advance directive options? Will medical providers at these facilities refer patients directly to providers that provide these services?

Equal treatment for LGBTQ customers

All customers deserve to be treated equally regardless of their gender, sexual orientation, gender identity, or gender expression. Can Walgreens offer assurances that its LGBTQ customers and LGBTQ patients at the clinics will be treated with dignity and respect and will receive the same medical standard of care as any other customer? Will pharmacists or providers at Walgreens or the clinics be able to discriminate and selectively refuse to care for LGBTQ customers? For example, will a transgender man or woman be able to receive a prescription for hormone therapy at one of these clinics, and have that prescription filled at Walgreens? Will comprehensive HIV counseling be available at the clinics?

We appreciate Walgreens's consideration of the concerns we have raised and hope to have an opportunity to discuss these issues with the appropriate Walgreens representatives soon. You can reach us by contacting Leah Rutman at 206-624-2184 to arrange a meeting.

Sincerely,

American Civil Liberties Union of Oregon
American Civil Liberties Union of Washington
Asian Pacific American Network of Oregon (APANO)
Basic Rights Oregon
Compassion & Choices
Gender Justice League
Lambda Legal Defense and Education Fund, Inc.
Legal Voice
MergerWatch
NARAL Pro-Choice Oregon
NARAL Pro-Choice Washington
Northwest Health Law Advocates
National Health Law Program
Oregon Foundation for Reproductive Health
Pierce County AIDS Foundation
Planned Parenthood Advocates of Oregon
Planned Parenthood Votes Northwest & Hawaii
Pride Foundation
Western States Center