

March 24, 2020

The Honorable Kate Brown
Governor
State of Oregon
900 Court Street NE, Suite 254
Salem, OR 97301-4047

Pat Allen
Director
Oregon Health Authority
500 Summer Street, NE, E-20
Salem, OR 97301-1097

Dear Governor Brown and Director Allen,

During these unprecedented times, many states, including Oregon, are asking ambulatory surgical centers, hospitals, and/or other health care facilities to postpone or cancel non-essential procedures as part of their response to the coronavirus disease 2019 (COVID-19) pandemic. We so appreciate that the guidance OHA issued today regarding the Governor's Executive Order included criteria that clearly includes abortion among the essential procedures that cannot be postponed. This clarification is important and timely as other states, such as Ohio and Texas, have gone against the recommendations of the American College of Obstetricians and Gynecologists and have used the language of similar executive orders to effectively shut down access by including abortion among the list of non-essential procedures that can be delayed. As you consider what measures are appropriate for our state, we urge you to further clarify that, in addition to abortion, access to other reproductive and sexual health services, i.e. gender-affirming care and family planning, are essential health care that cannot be delayed.

Abortion, gender-affirming care, and family planning are reproductive and sexual health care that are time-sensitive, critical, and already difficult for many to access. While some medical procedures may be postponed without significant ramifications, that is not the case here. In creating rules and guidance to accompany [Executive Order No. 20-10](#) to preserve personal protection equipment (PPE), it is critical that abortion services, gender affirming care, and family planning services are categorized as essential health care and are excluded from the category of services that must be postponed.

On Abortion Care

Pregnant people will continue to need to access abortion care in the weeks and months to come, and, as a time-sensitive procedure, abortions cannot be delayed without significant ramifications that could negatively impact a patient's life, safety, health, and well-being. Executive Order No. 20-10 states that a procedure is exempt "if a three-month delay in the procedure or surgery would put the patient at risk of irreversible harm" as determined by a set of criteria that includes whether there is "threat of irreversible harm to the patient's physical and mental health" or "risk of rapidly worsening to severe symptoms (time sensitive)." While

abortion is an extremely safe medical procedure, it is time-sensitive because it cannot be delayed without increasing the risk to the health and well-being of the patient.

The joint statement issued on March 18, 2020 by the American College of Obstetricians and Gynecologists and the American Board of Obstetrics & Gynecology, together with the American Association of Gynecologic Laparoscopists, the American Gynecological & Obstetrical Society, the American Society for Reproductive Medicine, the Society for Academic Specialists in General Obstetrics and Gynecology, the Society of Family Planning, and the Society for Maternal-Fetal Medicine clarifies that abortion services should not be postponed or delayed due to state efforts around COVID-19. The statement makes clear that while some health systems are implementing plans to cancel or postpone non-essential procedures, abortion should not be categorized as such a procedure. The organizations state:

Abortion is an essential component of comprehensive health care. It is also a time-sensitive service for which a delay of several weeks, or in some cases days, may increase the risks or potentially make it completely inaccessible. The consequences of being unable to obtain an abortion profoundly impact a person's life, health, and well-being.^[1]

Some of the same organizations have also clarified that in addition to abortion, other “[o]bstetric and gynecologic procedures for which a delay will negatively affect patient health and safety should not be delayed.”^[2]

In mandating the delay of elective procedures as a way to provide additional resources and capacity to the health care system, it is critical that abortion be categorized as essential care. We ask that as Oregon moves forward with this rule regarding non-essential procedures, you provide guidance that makes it clear that obstetrics and gynecological procedures, including abortion, will not be included in the category of “elective” procedures that will be delayed or postponed. This will help to avoid confusion or the inappropriate denial of services and will ensure that pregnant people can access the reproductive health care services they need in a timely manner.

On Gender Affirming Care & Family Planning

The consequences of being unable to obtain timely gender-affirming care can profoundly impact a person's life, health, and well-being. Gender-affirming care is similarly time-sensitive as delays may have severe detrimental effects on both the short- and long-term physical and mental well-being of transgender and gender non-confirming people. Additionally, access to birth control, such as shots or long-acting reversible contraception that could require gloves or other PPE in its administration, is essential and fundamental health care for the hundreds of thousands of Oregonians of reproductive age. In assessing current and future regulations and restrictions around health care resources and staffing, we ask that you include considerations for people who need to access reproductive health care like contraceptive and hormone therapy.

As organizations that work to protect, defend, and advance access to reproductive health care and freedom for all Oregonians—regardless of gender identity, sexual orientation, income, insurance coverage, citizenship status, or geography—we are doing everything we can to contribute to the coronavirus response across health systems and social supports. We are committed to partnering wherever you need

us to as we work to maintain health center staff providing essential care within communities; expand telehealth services; advocate for marginalized and vulnerable populations; and communicate to our communities about the latest state updates, best practices, and ways to access assistance, social services, and economic supports.

We urge the State of Oregon to issue guidance clarifying that abortion, gender-affirming care, and family planning are essential services that should not be delayed. Such guidance should also encourage collaboration across the health care system, including providers, key stakeholders, hospital-based clinics, and community-based health centers to ensure that access is not compromised during this time. We recognize that many difficult and crucial decisions lay ahead of you to ensure the safety of our state. As such, we are happy to offer any assistance or support to facilitate the state issuing guidance that will reduce confusion among providers and patients and ensure access to care.

Sincerely,



[1] Am. Coll. of Obstetricians & Gynecologists (ACOG), Am. Bd. of Obstetrics & Gynecology, Am. Ass'n of Gynecologic Laparoscopists, Am. Gynecological & Obstetrical Soc'y, Am. Soc'y for Reprod. Med. (ASRM), Soc'y for Acad. Specialists in Gen. Obstetrics & Gynecology, Soc'y of Family Planning (SFP) & Soc'y for Maternal-Fetal Med. (SMFM), Joint Statement on Abortion Access During the COVID-19 Outbreak (Mar. 18, 2020), <https://www.acog.org/news/news-releases/2020/03/joint-statement-on-abortion-access-during-the-covid-19-outbreak>.

[2] Am. Ass'n of Gynecologic Laparoscopists (AAGL), Am. Coll. of Obstetricians & Gynecologists (ACOG), Am. Soc'y of Reprod. Med. (ASRM), Am. Urogynecologic Soc'y (AUGS), Soc'y of Family Planning (SFP), Soc'y of Gynecologic Oncology (SGO), Soc'y of Gynecologic Surgeons (SGS) & Soc'y for Maternal-Fetal Med. (SMFM), Joint Statement on Elective Surgery During Covid-19 Pandemic (Mar. 16, 2020), <https://www.aagl.org/news/joint-society-message-on-covid-19/>.