



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 21, 2017

R&R BOH17-04

Proposed No. BOH17-04.2

Sponsors

1 A RULE AND REGULATION relating to disclosure of
2 information by limited service pregnancy centers; adding
3 a new Title 4A to the BOH Code; enacted pursuant to
4 RCW 70.05.060, including the latest amendments or
5 revisions thereto.

6 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

7 SECTION 1. Findings:

8 A. The King County Board of Health finds that the Board of Health has a
9 compelling interest in ensuring that women who might be pregnant are notified about
10 whether or not the limited service pregnancy centers they visit for ultrasound, pregnancy
11 testing or pregnancy diagnosis or pregnancy options counseling are health care facilities.
12 Lack of such a notification presents a threat to the public health because it might delay
13 women from having the necessary information to seek comprehensive family planning
14 and reproductive health care services or obstetric health care available elsewhere,
15 including information enabling them to seek free or low-cost avenues of receiving those
16 services.

17 B. All women in King County, regardless of income, should have access to
18 comprehensive family planning and reproductive health care services. Further, all
19 pregnant women in King County, who might wish to continue their pregnancies, should

20 have access to obstetric health care. Ensuring access to those services has been shown to
21 be critical for saving lives and reducing ill-health for both women and their children. For
22 women who might be pregnant, particularly if their pregnancies were unintended, access
23 to those services might be even more critical.

24 C. Research has shown that investments in comprehensive sexual and
25 reproductive health result in benefits such as: preventing unintended pregnancies, which
26 can improve birth spacing and outcomes; improving maternal health; increasing
27 prevention or early diagnosis of breast or cervical cancer; and preventing, diagnosing and
28 treating sexually transmitted infections, including those that could be transmitted during
29 gestation or birth.

30 D. Health care facilities providing health care to women who might be pregnant
31 either:

32 1. Provide important information for women on how to access comprehensive
33 family planning and reproductive health care services and obstetric health care, including
34 information to help pregnant women find health insurance, local doctors or midwives and
35 other community resources to support healthy pregnancies; or

36 2. Provide those services themselves.

37 E. Conversely, some limited service pregnancy centers have been reported to
38 provide little or no information on the availability of free, low-cost or full-cost
39 comprehensive family planning and reproductive health care services to women. Also,
40 those limited service pregnancy centers do not provide comprehensive family planning
41 and reproductive health care services or obstetric health care for women. Beyond
42 potential misunderstanding as to whether women are receiving care from health care

43 facilities because of a lack of disclosure from the facilities that the women are not
44 receiving that care, some limited service pregnancy centers have been reported to
45 misinform women about their health and their health care options. That misinformation
46 can delay access to comprehensive family planning and reproductive health care services
47 and obstetric health care and can lead to more risky reproductive decisions, such as later-
48 term and expensive abortions. Thus, lack of information, namely failure to notify the
49 women who might be pregnant and visit these limited service pregnancy centers for
50 ultrasounds, pregnancy testing and diagnosis, or pregnancy options counseling, that the
51 facilities are not health care facilities, is a threat to the public health.

52 F. In 2014, an estimated 429,910 women in Washington were in need of publicly
53 funded contraceptive services and supplies. That year, Public Health - Seattle & King
54 County served 9,534 family planning clients. It is estimated that 288 unintended
55 pregnancies are prevented per every 1,000 users of publicly funded contraceptive
56 services. In 2014 Public Health - Seattle & King County is estimated to have prevented
57 nearly 2,120 unintended pregnancies, which are estimated to translate to 1,060 fewer
58 births from unintended pregnancies, 720 fewer abortions and 340 fewer miscarriages.

59 G. While every year thousands of women in King County are in need of publicly
60 funded comprehensive family planning, reproductive health care services and obstetric
61 health care, many, including women who learn they are pregnant, remain unaware of the
62 programs available to provide them with these services free or at low cost. For women
63 facing unwanted or otherwise crisis pregnancies, the public health risks of lacking access
64 to information on where and how they can obtain free or low-cost comprehensive family
65 planning and reproductive health care services and obstetric health care, are even more

66 dangerous.

67 H. In addition to the time-sensitive nature of the decision about whether or not to
68 continue a pregnancy, for women who face additional challenges such as intimate partner
69 violence, behavioral health issues or medical diagnoses that can lead to complications
70 during pregnancy, having information enabling them to more quickly access obstetric
71 health care, comprehensive family planning and reproductive health care services might
72 prove life-altering for their health and for the health of their future children, if they decide
73 to and are able to continue the pregnancies.

74 I. Further, pregnancy itself has been identified as a time of high risk for women.
75 The prevalence of both antenatal and postnatal psychological distress has been studied,
76 with some studies finding that socioeconomic deprivation and psychological distress tend
77 to occur. Research suggests that there is a positive association between antenatal distress
78 and birth outcomes. There is also research on the impact of maternal mental health,
79 which is known to have lasting implications on child and adolescent behavior.
80 Consequently, timely access for pregnant women to health care facilities, which have the
81 tools to assess for and address those needs, is imperative for the short-term and long-term
82 public health.

83 J. It is vital that pregnant women in King County know when they are receiving
84 care from health care facilities, as delay in accessing that care resulting from lack of
85 information or misinformation could permanently alter the reproductive decisions
86 available to them and the adequacy of their prenatal care. Ensuring that limited service
87 pregnancy centers notify that they are not health care facilities is an effective way to help
88 women determine whether the facilities have the requisite staff to either assist or hinder

89 the women's efforts to make timely reproductive and prenatal care decisions. Therefore,
90 King County has a public health interest in supplementing its efforts to ensure that
91 women who might be pregnant know who is providing their pregnancy-related care.

92 SECTION 2. There is hereby created a new Title 4A in the Board of Health
93 Code, to be named Information Disclosure for Care Other Than Health Care.

94 SECTION 3. Sections 4, 5, 6 and 7 of this rule should constitute a new chapter in
95 the new Title of the Board of Health Code created in section 2 of this rule.

96 NEW SECTION. SECTION 4. Purpose - liberal construction - scope - intent.

97 A. This chapter is enacted as an exercise of the Board of Health powers of King
98 County to protect and preserve the public health, safety and welfare. Its provisions shall
99 be liberally construed for the accomplishment of these purposes.

100 B. It is the intent of this chapter to place the obligation of complying with its
101 requirements upon limited service pregnancy centers designated by this chapter within its
102 scope, and any provision of or term used in this chapter is not intended to impose any
103 duty whatsoever upon Public Health - Seattle & King County or any of its officers or
104 employees, for whom the implementation or enforcement of this chapter shall be
105 discretionary and not mandatory.

106 NEW SECTION. SECTION 5. Definitions. For the purposes of this chapter:

107 A. "Clear and conspicuous" means:

- 108 1. Larger point type than the surrounding text;
- 109 2. In contrasting type, font or color to the surrounding text of the same size; and
- 110 3. Set off from the surrounding text of the same size by symbols or other marks

111 that call attention to the language.

112 B. "Health care facility" means a hospital, clinic, nursing home, laboratory,
113 office, or similar place where a licensed, certified, registered, or otherwise authorized
114 health care provider conducts functions that make it governed by chapter 70.02 RCW.

115 C. "Health information" means any oral or written information in any form or
116 medium that relates to the past, present or future physical or mental health or condition of
117 a client.

118 D. "Limited service pregnancy center" means a facility that is not a health care
119 facility and whose primary purpose is to provide either pregnancy options counseling or
120 pregnancy tests, or both, for a fee or as a free or low-cost service; and that satisfies two or
121 more of the following:

- 122 1. The facility offers obstetric ultrasounds;
- 123 2. The facility offers pregnancy testing;
- 124 3. The facility advertises or solicits patrons with offers to provide prenatal
125 sonography, pregnancy tests or pregnancy options counseling; and
- 126 4. The facility has staff or volunteers who collect health information from
127 clients.

128 NEW SECTION. SECTION 6. Disclosure - required - manner.

129 A. A limited service pregnancy center shall disseminate to clients on site and in
130 any print and digital advertising materials including Internet web sites, the following
131 notice in English, Spanish, Vietnamese, Russian, Somali, Chinese, Korean, Ukrainian,
132 Amharic and Punjabi: "This facility is not a health care facility."

133 B. The on-site notice shall be on a sign at least A3 size paper and written in at
134 least forty-eight-point type, and shall be posted conspicuously, in a manner that it is

135 easily read, at the entrance of the facility and at least one additional area where persons
136 wait to receive services. The notice shall not contain other statements or markings.

137 C. The notice in the advertising materials shall be clear and conspicuous.

138 D. The director of Public Health - Seattle & King County shall make available a
139 downloadable on-site notice on the Public Health - Seattle & King County Internet web
140 site.

141 NEW SECTION. SECTION 7. Enforcement - penalties.

142 A. The director of Public Health - Seattle & King County may utilize BOH
143 chapter 1.08 to enforce the requirements of this chapter, consistent with subsection B. of
144 this section.

145 B. An entity violating this chapter is subject to a civil penalty of up to one
146 hundred dollars. Each day upon which a violation occurs or is permitted to continue
147 constitutes a separate violation.

148 SECTION 8. Severability. If any provision of this rule or its application to any

149 person or circumstance is held invalid, the remainder of the rule or the application of the
150 provision to other persons or circumstances is not affected.
151

R&R BOH17-04 was introduced on 7/20/2017 and passed as amended by the Board of Health on 7/20/2017, by the following vote:

Yes: 11 - Mr. Baker, Dr. Danielson, Ms. Bagshaw, Mr. McDermott,
Ms. Wales, Mr. Dembowski, Dr. Daniell, Ms. Gonzalez and Ms.
Juarez
No: 2 - Ms. Lambert
Excused: 0


BOARD OF HEALTH
KING COUNTY, WASHINGTON



Rod Dembowski, Chair

ATTEST:




Meyani Pechoza, Clerk of the Board

Attachments: None