

March 19, 2020

The Honorable Gavin Newsom
Governor
State of California
State Capitol Building
Sacramento, CA 95814

Dr. Bradley P. Gilbert, MD, MPP
Director
California Department of Health Care Services
P.O. Box 997413
Sacramento, CA 95899

Ms. Michelle (Shelley) Rouillard
Director
California Department of Managed Health Care
980 9th Street, Suite 500
Sacramento, CA 95814

Dear Governor Newsom, Dr. Gilbert, and Ms. Rouillard:

The California Coalition for Reproductive Freedom (CCRF) is the only statewide network working to protect, defend and advance reproductive freedoms for California's diverse population, including women, youth, low-income individuals, people of color, LGBTQ+ communities and residents of rural areas. Comprised of 41 organizations representing a multitude of constituencies and approaches including medical, legal, grassroots, faith-based, consumer advocacy, and community-based organizations, CCRF centers our efforts on strategic communications, collaboration and collective policy advocacy.

Due to the worldwide pandemic of COVID-19, states across the country, including California, have taken measures to promote social distancing in an effort to combat the spread of the virus. We strongly support initiatives to ensure that Californians are safe and stand behind efforts to mitigate the overburdening of healthcare facilities. As you consider what measures are appropriate for our state in the coming days and weeks, **we urge you to issue guidance clarifying that access to reproductive and sexual health services--including abortion, gender-affirming care, and family planning --is essential health care that cannot be delayed, and that healthcare providers and pertinent staff should be available to facilitate and deliver that care as needed and appropriate.**

The California Coalition for Reproductive Freedom (CCRF) works to advance sexual and reproductive health, rights, and justice in the State of California through collaborative policy efforts.

We envision a world where public policies and programs are responsive to the health, social, economic and political needs of California's youth, women, and families, and where the voices of the State's diverse populations are included in developing and implementing public policy.

Reproductive and sexual healthcare are time-sensitive, critical, and already increasingly difficult to access. While some medical procedures may be easily rescheduled or postponed, that is not the case with reproductive, sexual, or gender-affirming care. For instance, abortion care is a time-sensitive service and cannot be delayed without significant ramifications to pregnant people. Physicians that provide reproductive healthcare have received guidance from leading medical organizations serving their field, including the American College of Obstetricians and Gynecologists, stating, “Obstetric and gynecologic procedures for which a delay will negatively affect patient health and safety should not be delayed. This includes gynecologic procedures and procedures related to pregnancy for which delay would harm patient health.”¹ Should you mandate the delay of elective procedures as a way to ensure full functioning of healthcare facilities, it is essential that reproductive and sexual healthcare be specifically excluded from any designation of “elective” procedures.

Some health systems are implementing plans to cancel elective and non-urgent procedures to expand hospitals’ capacity to provide critical care. For example, the Massachusetts Department of Public Health (DPH) recently released guidance on nonessential, elective invasive procedures in hospitals and ambulatory surgical centers during the COVID-19 outbreak. The guidance clearly states, “DPH defines nonessential, elective invasive procedures as procedures that are scheduled in advance because the procedure does not involve a medical emergency; provided, however, that terminating a pregnancy is not considered a nonessential, elective invasive procedure for the purpose of this guidance. However, the ultimate decision is based on clinical judgment by the caring physician.”² Similar to Massachusetts, it is critical that you issue guidance that explicitly excludes abortions and other reproductive and sexual health care from any designation that would delay the provision of these services.

The consequences of being unable to timely obtain reproductive and sexual healthcare and gender-affirming care can profoundly impact a person’s life, health, and well-being. For instance, abortion is 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. Gender-affirming care, including hormone therapy, is similarly time-sensitive, as delays may have severe detrimental effects on both short- and long- term health and well-being of transgender and gender nonconforming people. Access to birth control is essential and fundamental health care for millions of Californians of reproductive age. Further, any regulations that impact the hours that businesses may remain open or regulate what services will be considered “essential” for permitted travel during lockdown periods must include considerations of those who need access to reproductive healthcare including filling contraceptive and hormone therapy prescriptions, obtaining pregnancy-related care, or accessing abortion.

¹ The American College of Obstetricians and Gynecologists, American Board of Obstetrics & Gynecology, 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, Joint Statement on Abortion Access During the COVID-19 Outbreak, <https://www.acog.org/news/news-releases/2020/03/joint-statement-on-abortion-access-during-the-covid-19-outbreak>.

² Commonwealth of Massachusetts, Executive Office of Health and Human Services Department of Public Health, Nonessential, Elective Invasive Procedures in Hospitals and Ambulatory Surgical Centers during the COVID-19 Outbreak (Mar. 15, 2020).

CCRF

California Coalition for Reproductive Freedom

The decisions that are ahead of you in the coming days are difficult and crucial to ensuring the continued safety of our state. The California Coalition for Reproductive Freedom urges the State of California to issue guidance clarifying that access to reproductive and sexual health services and gender-affirming care must not be delayed. This guidance should also encourage collaboration between hospital-based clinics, community-based clinics, as well as providers and key stakeholders to ensure that reproductive and sexual healthcare is not compromised during this time.

Should you have any questions or require further information we are happy to assist in your considerations.

Sincerely,

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Cc:

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