

# INTENSIVE CARE

Opponents challenge Providence proposal by Tom Stevenson

Should a public health district, which is partially taxpayer funded, be allowed to turn over control of its operations to a Catholic health care system?

That is the question a Lincoln County Circuit Court judge will be answering sometime in February, but he already has said he expects whatever ruling he makes will be appealed. Robert Huckleberry presided over the recent trial in Newport that pitted the Pacific Communities Health District and Providence Health Systems against a group of people who think the affiliation agreement is unconstitutional.

The case has attracted national attention as it focuses on whether the proposal violates the separation of church and state portion of the U.S. Constitution. Opponents of the agreement insist that Providence has a distinct religious character entrenched in its system. Even more specifically, opponents insist that if the agreement is allowed to be put in place, it distinctly would alter the legal health treatments offered to those who use the health district's facilities, especially in terms of women's reproduction choices.

Providence, like other Catholic-sponsored health care organizations, operates under the Catholic Ethical and Religious Directives for Health Care Institutions. This list of directives is causing the greatest amount of concern, according to two attorneys who are working to block the agreement.

The directives, which Providence employees are required to follow, forbid abortion, birth control, artificial insemination and other reproduction services, according to Rose Jade, an attorney who lives in the Pacific Communities Health District. She is one of the opponents of the proposed agreement and was represented at the trial by Portland-based attorneys Jane Paulson and Maureen Leonard.

Paulson argues that the agreement is simply not legal.

"I don't think some people realize what is going on," she said. "Some may not fully realize what they are signing on to when going to Providence or being under the health plan."

To Paulson and others fighting the agreement, the issue is simply about choice.

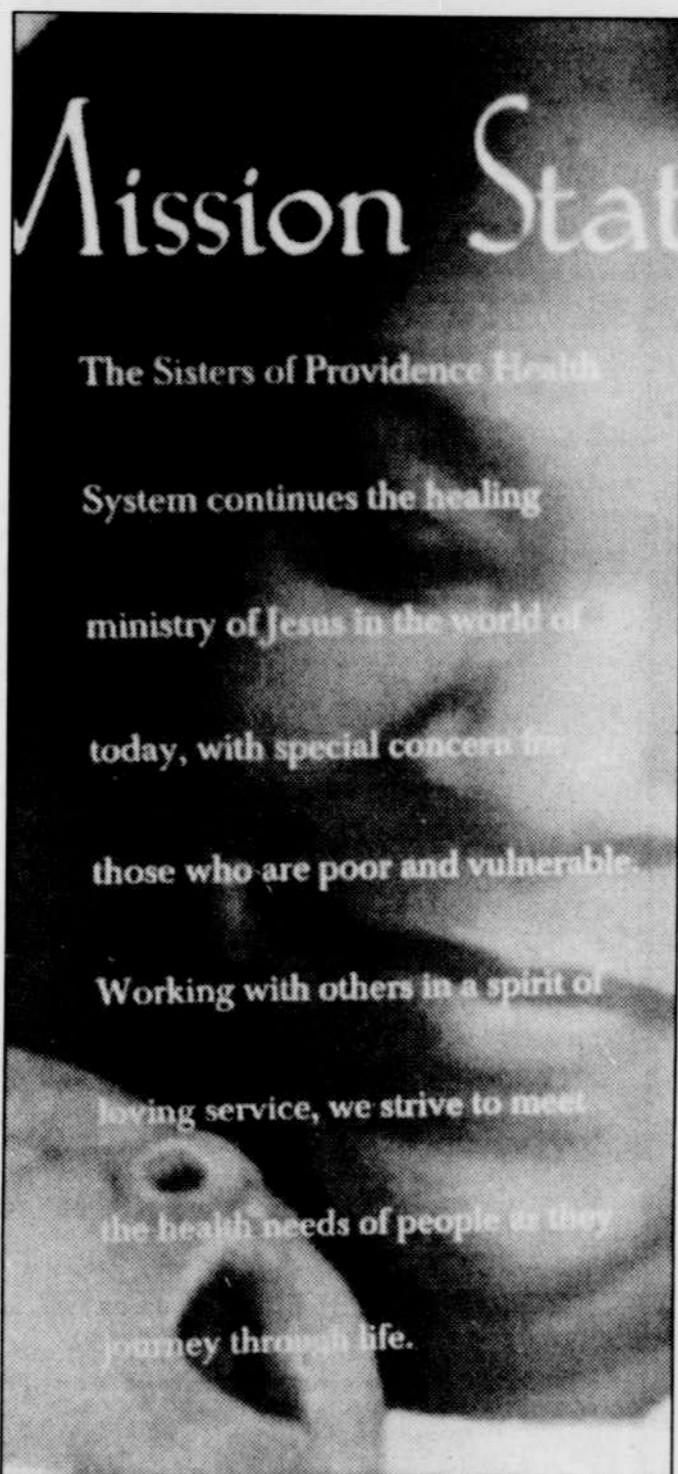
"Would taxpayers who are denied legal services such as birth control, abortion, artificial insemination, etc. have a legal right to demand those services?" she said. "That is part of the reason we think it is illegal. If tax funds weren't being received by Providence, there wouldn't be as strong of an argument."

Providence has taken over many hospitals throughout the country. In fact, the issue has received a great deal of national attention in recent years as Catholic health care organizations continue to grow.

Paulson noted that Providence, in its strategic plan for 1999-2001, wants to have one out of three people in Oregon, Washington and part of California under its care by 2008. A number of the mergers have been challenged, she said, but what makes the situation in Lincoln County unique is that the Pacific Communities Health District receives property tax dollars.

How the proposed agreement would affect the gay and lesbian community is unclear, according to several people who are familiar with the issue.

"For gay women, I think the biggest potential issue could be fertility," Paulson said. "The Catholic directives oppose any artificial means of preventing or performing family planning. No doctor in the district would be able to help a patient with fertility, at least openly."



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Women who live in the district could choose to seek those types of services elsewhere, but for many, that would be a financial burden. In addition, Paulson said doctors in the district would have their hands tied as to what they could suggest for their patients. "The big problem is the Catholic directives would not only forbid a physician from doing something opposed by the directives, but should technically also not allow a referral," she said.

Still, no one accuses Providence of being anti-gay. In fact, it has received acclaim for its dedication to AIDS patients as well as the amount of free or low-cost health care services it provides.

According to a number of published reports, the Pacific Communities Health District Board originally signed the affiliation agreement with Providence simply as a matter of economics. The health care district operates a hospital in Newport and five clinics in rural communities such as Toledo and Depoe Bay.

Many rural hospitals have struggled to stay afloat in this era of changes in health care, and many simply have shut down. According to an article in the *Oregonian*, the Pacific Communities board members insisted that the deal with Providence was "lifesaving" for the financially ailing district.

Paulson and others did not fully buy into that. They cited, among other things, comments from former board members who insist that the district is in better shape than it has been in for years.

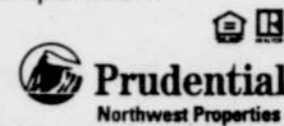
"I think the answer (to the financial question) depends on who you ask," said Paulson, who added that the district has \$8 million in the bank. "I do think the 'lifesaving' aspect has been used to try and get people behind the deal, valid or not." **JN**



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