



What are the Draft Regulations Crafted by the Department of Health?

Women's health centers in Virginia have been providing safe, accessible, comprehensive health care for more than thirty years. Regulations that single out abortion providers have nothing to do with the safe delivery of services for women and everything to do with legislators' efforts to restrict access to reproductive health care. Abortion care is one of the safest surgical procedures available in the United States today.

Women's reproductive health centers provide a full array of safe, affordable preventive health services. The proposed regulations may drive up health care costs or drive health care providers out of practice – making comprehensive reproductive health care less accessible.

The draft regulations crafted by the Department of Health will be voted on by the Board of Health on September 15, 2011. The draft regulations contain some significant problems that would pose threats to patient access to health care and confidentiality. While the current draft is unnecessarily burdensome and medically inappropriate, the Board of Health currently has the opportunity to revise the regulations to reflect appropriate standards. Now is the time to speak up for women's health centers in Virginia!

You can take action online at www.coalitionforwomenshealth.org.

Draft Regulations Affecting Patient Access to Safe, Legal Reproductive Health Care

Architectural Requirements for Buildings

The draft regulations would require existing women's health centers to come into compliance with three chapters of a manual called the 2010 Guidelines for Design and Construction of Health Care Facilities within the next two years. However, these Guidelines are intended to apply only to new construction, not to existing facilities.¹ As existing women's health centers

¹ The Guidelines for Design and Construction of Health Care Facilities, published by the Facility Guidelines Institute and formerly published by the American Institute of Architects, and relied on by many regulatory agencies in creating new regulations for health care facilities, are "intended as minimum standards for designing and constructing new health care facility projects." Facility Guidelines Institute, Guidelines for Design and Construction of Health Care Facilities 4 (2010). They are not intended to apply to existing facilities, except to the extent that those facilities are in the process of undergoing significant renovation. In those circumstances, the Guidelines specify that "renovation projects and additions to existing facilities, only that portion of the total facility affected by the project shall be required to comply with the applicable section of these Guidelines." *Id.* at 6

have been providing safe care for many years, there is no need to require them to entirely rebuild their facilities under new construction requirements.

Extensive, burdensome requirements for buildings that are unrelated to the services health centers provide and have no proven medical benefit will reduce or eliminate patient access to health care. Early abortion care is already difficult to access in the Commonwealth, with 86 percent of Virginia's counties lacking any abortion providers.

Draft Regulations Affecting Patient and Provider Safety and Confidentiality

Safety Concerns

One draft regulation allows Department of Health employees to enter the facility at any time, without notice. The regulation does not require that the state employee provide identification to assure the facility that they are in fact associated with the Department. It is essential that Department of Health employees properly identify themselves when seeking entry to women's health centers, due to the sensitive nature of the provision of reproductive health care, and the targeting of abortion providers and patients for violence and harassment by anti-choice extremists.

Patient Confidentiality

Confidentiality is of paramount importance to patients and women's health centers. Patients are targeted for harassment outside of women's health centers and there is a history of anti-choice activists seeking patient information in order to deter women from obtaining vital reproductive health care.

However, the draft regulation dealing with the inspection of women's health centers permits Department of Health employees to arrive on the premises at any time and requires the facility to give them access to the facility and a variety of records, without any consideration of whether the business is open that day, whether it is within normal business hours, patient confidentiality, or provider and patient safety. The regulation would require facility staff to appear within an hour. Patient records could be reviewed without any confidentiality protections. Moreover, employees would even be permitted to have a list of current patients and to talk to any person in the facility while they are present.

Confidentiality of patient information is of utmost importance and any regulations should be drafted to ensure that they protect the privacy of Virginia women. These draft regulations should be modified now so women's health centers can continue to provide safe, accessible, comprehensive health care in Virginia.

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