



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

**NOTICE OF ADOPTION
POLICY STATEMENT**

Title of Policy Statement: Emergency Abortion Care in Hospitals Providing Emergency Services | Number: HSQA-24-01

Issuing Entity: Department of Health

Subject Matter: Requirements for hospitals providing emergency services to provide immediate access to abortion services or secure transfer to another hospital.

Effective Date: June 17, 2024

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Department of Health
Office of Community Health Systems
Policy Statement

<i>Title:</i>	Emergency Abortion Care in Hospitals Providing Emergency Services	<i>Number:</i> HSQA-24-01
<i>References:</i>	Directive of the Governor 24-12; chapter 70.41 RCW; chapter 246-320 WAC; RCW 70.41.115; RCW 70.170.060; WAC 246-320-010, -116, -136, -281.	
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Background

In accordance with Directive of the Governor 24-12, the Department of Health (Department) issues this policy statement to reaffirm and clarify the requirements under Washington state law for hospitals to provide emergency abortion services and to describe the Department’s current approach to implementation of these requirements.

Policy Statement

Hospitals that provide emergency services are required to provide immediate access to abortion services or, if authorized under RCW 70.170.060(2), WAC 246-320-281(1), and other applicable state and federal law, secure a transfer to another hospital when necessary to meet the needs of patients presenting to their emergency departments with an emergency medical condition.

Under Washington Administrative Code (WAC) 246-320-281(8), “[i]f providing emergency services, hospitals must . . . [a]ssure emergency equipment, supplies and services necessary to meet the needs of presenting patients are immediately available.” Hospital leaders are likewise required to “[p]rovide all patients access to safe and appropriate care” under WAC 246-320-136(5). The care that is necessary, safe, and appropriate is determined according to the applicable standard of care.¹ These legal requirements apply to hospitals as defined in WAC 246-320-010(27).²

¹ Hospitals and hospital leaders are required to adopt and implement policies and procedures that define standards of care under WAC 246-320-281(1) and (4) and 246-320-136(3). Hospitals’ standards of care must be consistent with the standards of care and other legal requirements that the health care providers delivering the care are obligated to meet.

² Emergency care requirements applicable to specialty hospitals, as defined in RCW 70.41.115(1)(c), are found at RCW 70.41.115(i) and WAC 246-320-116(10) & (12).

Under the foregoing provisions of law, if a pregnant person presents to a hospital's emergency department with an emergency medical condition for which termination of the pregnancy is the standard of care, the hospital is required to provide that abortion care in accordance with and as promptly as dictated by the standard of care or, if authorized under RCW 70.170.060(2), WAC 246-320-281(1), and other applicable state and federal law, transfer the patient to another hospital capable of providing the care.

Implementation

If the Department obtains information indicating that a hospital has failed to comply with the legal obligations outlined above, the Department will exercise its authority under chapter 70.41 RCW and chapter 246-320 WAC to investigate and initiate appropriate enforcement action against the hospital.