



September 24, 2008

The Honorable Mike Leavitt
Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

Dear Secretary Leavitt,

On behalf of the 500,000 members of Concerned Women for America (CWA), I would like to thank you for publishing draft regulations to implement federal statutes to protect the rights of conscience for those in the medical profession. When finalized, these regulations will provide much needed protection for those who decline to provide, assist in, or refer for abortion or other morally objectionable actions.

Federal statutes designed to protect the right of health care personnel to refuse to perform services to which they have moral, ethical, or religious objections have existed since the early 1970s. These statutes establish that medical personnel cannot be discriminated against for refusing to participate in abortions or other acts that the professional believes is immoral. The entities covered by this regulation should be broad, including but not limited to physicians, pharmacists, nurses, therapists, mental health professionals and personnel, public health workers, janitors, technicians, clinics, hospitals, pharmacies, and nursing homes.

It is necessary to clarify the regulations to specifically ensure that the Department of Health and Human Services (HHS) and other federal agencies are not complicit in denying conscience protections. Despite federal laws against discrimination, health care personnel report being pressured in the workplace not to exercise their right of conscience. These regulations proposed by the HHS will ensure that health care professionals who choose to exercise their moral or ethical convictions are protected.

The threats to medical professionals are very real. Some medical professionals face discrimination for not engaging in practices or procedures that could end human life from conception to natural death. Abortion advocates are continually trying to increase access to abortions by attempting to force medical professionals into engaging in abortion-related activities against their will.

CONCERNED WOMEN FOR AMERICA

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In 1999, legislation was proposed in the California State Assembly that would have required religiously affiliated hospitals to provide for or arrange abortions or lose millions of dollars in state assistance. In 2002, NARAL of Maryland tried to require the same thing.

Recently, the American College of Obstetricians and Gynecologists (ACOG) released “ethics” guidelines on the “Limits on the Right of Conscience” that would require OB/GYNs to perform and refer for abortions. Not long after that, the American Board of Obstetricians and Gynecologists (ABOG) released new guidelines requiring doctors to comply with all of ACOG’s ethics guidelines. ABOG provides credentials for doctors, which are necessary for them to practice in hospitals. The proposed federal regulations would help ensure that health care providers would not be threatened for following their moral convictions.

Some mental health professionals face pressure to counsel patients, particularly those suffering sexual behavior disorders, in a manner they believe is immoral and contradicts what’s in the best interest of the patient.

Not only do these assaults on conscience run counter to our nation’s commitment to religious freedom established in the Constitution, they conclusively demonstrate the need for the proposed regulations.

Protecting the civil rights of health care professionals allows them to choose to follow their conscience and their Hippocratic Oath to “do no harm.” It’s alarming that some Americans today would seek to disregard a health care provider’s civil rights to refuse to perform services due to moral, ethical or religious considerations. Health care providers should not lose their right of conscience when they pass through a pharmacy, clinic or hospital door. They have the right to choose not to assist in the performance of an abortion, assisted suicide or other controversial acts.

The purpose of these regulations is not to foist the medical professionals’ beliefs onto the general public. These regulations merely clarify that health care providers can exercise their religious and civil liberties, which are a cornerstone of American society.

Opponents to the regulations assert that the proposed rule does not mention the needs of the patients. CWA firmly believes that if physicians lose the freedom to follow conscience and ethical standards, patients lose the protections of those standards. Many women could not trust an abortionist for their prenatal care. They would not be assured that a doctor, who moments before in another room had killed another woman’s baby, could walk into their check-up and provide the best care for their unborn child.

In addition, if these regulations are not passed, patients lose access to physicians who share their moral conviction that health care providers should heal, not kill their patients. Providers with moral principles who believe they should use their skills to mend, not end, human lives will be forced to choose other careers rather than violate ethical standards. There are already too many health care providers and billions of dollars from government

and insurance companies accommodating pro-choice women. Pro-life women, on the other hand, can have a difficult time finding health care providers who respect and live out pro-life convictions.

The majority of Americans do not realize that physicians in federally funded programs may not legally be coerced into violating standards of medical ethics and their own conscientiously held moral convictions by requiring them to perform abortions or refer patients for abortions. The proposed regulations are necessary to ensure that Americans and the medical community fully understand conscience protections afforded medical professionals. Americans should be apprised of these conscience protections in the same manner as other civil rights protections. In addition, HHS should require written certification of compliance with nondiscrimination provisions as a prerequisite for payment of HHS funds.

CWA commends you for proposing this regulation to assure freedom of conscience for those in the medical profession. We urge the Department of Health and Human Services to work quickly to implement these proposals. I look forward to providing you with additional comments or information that could assist you further.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Wright". The signature is written in dark ink and is positioned above the typed name.

Wendy Wright
President