

House Members Confront HHS on Conscience Protections

✖ A letter to Secretary of Health and Human Services Kathleen Sebelius signed by 46 members of the U.S. House of Representatives Friday asks her to explain why her department is seeking to repeal conscience protections for health care workers in light of known attacks on such workers. The two situations cited in the letter involve clients represented by attorneys with the Alliance Defense Fund (ADF).

“Medical professionals should not be punished for holding to their beliefs, and they should not be forced to perform abortions against their conscience,” says ADF Legal Counsel Matt Bowman. “Members of the House are justified in asking why the Obama administration would be seeking to repeal such protections, especially in light of the recent examples of abuse involving ADF clients.”

One of the situations cited involves a nurse forced against her conscience by New York’s Mt. Sinai Hospital to participate in an abortion. The U.S. Court of Appeals for the 2nd Circuit upheld the dismissal of her federal lawsuit filed by ADF attorneys, leaving only an ongoing investigation by HHS as the means to defend her federally protected rights while her New York state lawsuit continues.

According to the ADF, Planned Parenthood and other plaintiffs in the federal lawsuit *State of Connecticut v. United States of America* are seeking to tear down the regulation that enables HHS to conduct investigations. ADF attorneys filed a motion to intervene in that case on behalf of Cenzone-DeCarlo in December.

Because the defendants, Sebelius and the Obama administration, want to dismantle the regulation as the plaintiffs desire, the

ADF says little adequate defense exists for the regulation and for health care workers protected by a federal law known as the Church Amendment. The Church Amendment prohibits recipients of federal funds from discriminating against pro-life health care workers but its enforcement may be limited without the implementing regulation that directs HHS to conduct investigations.

Another situation cited by the House letter to Sebelius involves Vanderbilt University in Tennessee. In January, ADF attorneys filed complaints with HHS over problematic language on the applications for Vanderbilt's nurse residency program which included a pledge to participate in abortions. The university changed the language, but only after ADF filed the complaints.

"Both of these situations are precisely the type of discrimination against health care providers that federal conscience statutes were meant to redress," the letter from House members explains. "We strongly oppose any action that would undermine or eliminate the responsibility of HHS to enforce conscience laws that have been enacted by Congress for nearly four decades. The Implementing Regulations did not add to the substance of existing law, but required fund recipients to certify compliance with the law and more specifically committed HHS to enforce those laws as written."