

NY Hospital Ends Forced Abortion-Participation Policy

After a nurse sued for being forced to participate in an abortion in 2009, a New York hospital has changed its policies and procedures so pro-life medical personnel no longer have to violate their religious beliefs when it comes to abortion.

A newly completed U.S. Department of Health and Human Services investigation of Mt. Sinai Hospital in New York City has resulted in additional policy and procedure changes to ensure that medical personnel are not forced to participate in abortions.

Alliance Defending Freedom (ADF) attorneys representing a Mt. Sinai nurse requested the HHS Office of Civil Rights investigation after the hospital forced her to assist in an **abortion** in violation of her religious beliefs in 2009.

The changes come in addition to a new policy the hospital adopted after ADF attorneys filed a lawsuit on behalf of the nurse, Cathy Cenzone-DeCarlo.

“Pro-life medical personnel shouldn’t be forced to participate in abortions, and the new policies and procedures at Mt. Sinai reflect that,” said ADF Senior Legal Counsel Matt Bowman. “The hospital seems to have decided to do the right thing and respect the conscience rights of its employees, who are protected by both federal and state law. We will continue to monitor the situation to make sure that the new policy is followed.”

Mt. Sinai’s policy revision states, “It is the legal right of any individual to refuse to participate in these procedures.” The policy applies regardless of whether the abortion is classified as an elective or emergency procedure and provides

a process for “alternative coverage” in the event a staff member opts not to participate.

As a result of the HHS investigation, Mt. Sinai agreed to go further by putting in writing that it will abide by federal conscience protection laws, train employees about the hospital’s obligation to those laws and how to properly keep records of those who are objecting or not objecting to participating in abortions, and update a Human Resource policy to state that the hospital will not engage in any form of employment discrimination based on an employee’s refusal to participate in an abortion.

Administrators at Mt. Sinai Hospital threatened DeCarlo with disciplinary measures in May 2009 if she did not honor a last-minute summons to assist in a scheduled **late-term abortion**. Despite the fact that the patient was apparently not in crisis at the time of the surgery, the hospital insisted on her participation in the procedure on the grounds that it was an “emergency,” even though the procedure was not classified by the hospital as such. The hospital has known of the Catholic nurse’s religious objections to abortion since 2004.

Alliance Defending Freedom attorneys asked HHS to investigate in March 2010 and filed, together with lead counsel and allied attorney Joseph Ruta, the lawsuit *Cenzon-DeCarlo v. The Mount Sinai Hospital* in Kings County Supreme Court the following month. The lawsuit argues that Mt. Sinai violated state conscience laws as well as state laws against religious employment discrimination and intentionally inflicting emotional distress on an individual. The suit, which is still ongoing, also includes five other claims based on DeCarlo’s coerced participation in the abortion. A federal court dismissed Cenzon-DeCarlo’s federal suit filed in July 2009.