

Bishops strongly support protecting conscience rights

WASHINGTON - Proposed regulations protecting the conscience rights of individuals and health care institutions are especially needed in light of the “growing hostility on the part of some professional organizations and advocacy groups” to those rights, the U.S. Conference of Catholic Bishops said in public comments to the Department of Health and Human Services.

The comments came in a six-page letter Sept. 12 to Brenda Destro in the HHS Office of Public Health and Service from Anthony R. Picarello, USCCB general counsel, and Michael F. Moses, associate general counsel.

Expressing “strong support for the proposed rule,” the USCCB letter noted that an earlier leaked version of the HHS proposal had prompted “negative public reaction ... by pro-abortion groups and some editorial writers.”

“The adverse reaction demonstrates, at best, a deplorable lack of understanding about the federal legislative rights of conscience on which the proposed regulations are based, at worst outright hostility to those statutory rights,” it said.

As examples, Mr. Picarello and Mr. Moses cited a November 2007 opinion of the American College of Obstetricians and Gynecologists calling it unethical for OB-GYNs to decline to provide or refer for abortions or sterilizations and an American Civil Liberties Union report and advocacy kit that aims to require all hospitals to provide abortions.

“Judging from much of the public commentary, one would think that rights of conscience in health care are a recent invention, and that the statutes implemented through this rule simply did not exist,” they said. “The regulations are therefore all the more critical to ensure that Congress’ intent will be carried out.”

The USCCB letter also urged that the regulations be strengthened by defining abortion as “any drug, procedure or other act that the objector reasonably believes may take the life of a human being in utero at any time between conception

(fertilization) and natural birth.”

“The regulations are intended to give broad protection to the conscience of institutional and individual health care providers,” it said. “The protections they provide therefore should not become ineffective when the abortifacient procedure at issue operates before implantation.”

Because there may be “conflicting and changing (scientific) evidence” about which drugs or devices interfere with implantation, the two lawyers said, Catholic teaching currently does not speak on that issue.

“But it is important to defend the principle that conscientious objection to abortion should be protected at every stage, especially as new drugs or devices may emerge in the future that clearly would act chiefly by disrupting implantation and therefore pose a very direct new challenge to consciences,” they added.

The regulations, as proposed, define abortion as “any of the various procedures – including the prescription and administration of any drug or the performance of any procedure or any other action – that results in the termination of the life of a human being in utero between conception and natural birth, whether before or after implantation.”

The Planned Parenthood Federation of America and 56 other organizations said in a July 22 letter to HHS Secretary Mike Leavitt said such a definition would rewrite conscience laws “to permit institutions as well as individuals to refuse to provide women access not only to abortion but to contraceptive services and information.”

In introducing the regulations Aug. 21, Mr. Leavitt said “doctors and other health care providers should not be forced to choose between good professional standing and violating their conscience.”

“Freedom of expression and action should not be surrendered upon the issuance of a health care degree,” Mr. Leavitt added.