

Bishops urge HHS not to mandate contraception, sterilization coverage

WASHINGTON - Two officials of the U.S. bishops' Office of General Counsel have told the U.S. Department of Health and Human Services that it should not mandate that group and individual health plans include coverage of contraception or sterilization as part of what the federal agency considers preventive care for women.

"These drugs, devices and procedures prevent not a disease condition, but the healthy condition known as fertility," said Anthony Picarello and Michael Moses, who are general counsel and associate general counsel, respectively, at the U.S. Conference of Catholic Bishops.

They said contraception and sterilization "pose significant risks of their own to women's life and health; and a federal program to mandate their inclusion would pose an unprecedented threat to rights of conscience."

Picarello and Moses made the comments in a Sept. 17 letter that was hand-delivered to the HHS Office of Consumer Information and Insurance Oversight.

Their letter was sent as HHS continued its deliberations on a final list of required preventive services under the Patient Protection and Affordable Care Act, the health care reform bill signed into law by President Barack Obama in March.

Picarello and Moses said that contraception cannot be considered "preventive" on the grounds of preventing abortion because "abortion is not itself a disease condition, but a separate procedure that is performed only by agreement between a woman and a health professional."

"Studies have shown that the percentage of unintended pregnancies that are ended by abortion is higher if the pregnancy occurred during use of a contraceptive," they said.

“Prescription contraception as well as chemical and surgical sterilization are particularly inappropriate candidates for inclusion under mandated ‘preventative services’ for all health plans,” they said.

Such services are not like other preventive measures, for example blood pressure and cholesterol screening, diabetes screening, counseling with regard to tobacco use and obesity, and screening for sexually transmitted diseases, Picarello and Moses said.

“These services are emphasized because they can prevent serious or life-threatening conditions that once they do occur, will demand treatment to cure or reverse them,” they said.

“This rationale simply does not apply to contraception and sterilization,” they continued.

“The condition prevented by contraception and sterilization is pregnancy, which has its own natural course ending in live birth if not interrupted by medical intervention,” they said.

They noted that at least one drug already approved by the Food and Drug Administration for “emergency contraception” can actually cause early abortions, so a mandate of prescription contraception coverage as a preventive service would “be in direct tension with (the health reform law’s) statutory prohibition on mandating any abortion service.”

They also noted that such a mandate would threaten “rights of conscience for religious employers and others who have moral or religious objections to these procedures. In this regard, the (Obama) administration’s promise that Americans who like their current coverage will be able to keep it under health care reform would be a hollow pledge.”

They added that this “would also contradict long-standing federal precedents on respect for conscientious objection to such procedures and such coverage,” including the church amendment, which since 1973 has protected conscientious objection to abortion and sterilization.