Right of Conscience

At a time when we are facing a crisis in health care, the Administration is moving to change a law that will ultimately drive more doctors out of practice by forcing them to compromise their moral principles. President Obama could soon remove protections from medical professionals who do not want to perform abortions. The Administration intends to rescind the rule implementing the series of federal laws that protect health care professionals, hospitals and health care plans from discrimination on the basis of their refusal to participate in abortion practices. For me this is not a partisan issue, but a right of conscience.

These laws - enacted in 1973 intend to protect medical professionals on many levels and I don’t want to see these protections subside. It’s ironic that the proponents of abortion argue that they are fighting for “choice,” but they are working to remove a basic choice for doctors and other health providers.

As a physician, if I had been faced with the choice between losing my job or being forced to perform an abortion, I would chose leaving my medical practice. Rescinding these regulations is also dangerous for patients.

I joined with many other lawmakers in writing a letter to the President protesting this mandate, and I want to share it with you.

We are deeply concerned to learn that your Administration is moving to rescind the rule implementing the series of the federal laws that protect health care professionals, hospitals, and health care plans from discrimination on the basis of their refusal to participate in abortion. This is not a partisan issue. Right of conscience provisions have long been supported by Republicans and Democrats alike.

These laws, first enacted in 1973, provide a broad layer of civil protections for medical professionals, allowing health care workers to practice their professions in a manner consistent with their deeply held convictions. The regulations, finalized in January 2009, ensure compliance among states, local governments and other organizations that receive federal funds. The rule also offers much needed guidance and education for health care professionals about their right under the law and the mechanisms in place at the Department of Health and Human Services for redress against actual cases of discrimination.

The threat of discrimination is real. In the name of increasing access to abortion, some abortion advocates have assembled statewide campaigns to compel private hospitals, including Catholic hospitals, to provide abortion services in spite of their strong religious opposition. Some hospitals force their employees to sign affidavits promising to participate in abortion if asked. This is a clear violation of the law, and the Administration has an obligation to provide mechanisms for enforcing the law.

The perception of discrimination is also widespread. In an informal survey among its members, the Christian Medical and Dental Association found that over 40% reported feeling pressured to violate their personal ethical standards. In 2007, the American College of Obstetrics and Gynecology issued an ethics opinion stating that the so-called right of a woman to have unfettered access to abortion trumped the right of the doctor to refuse to participate in abortion. Obstetricians who object to abortion on the basis of their moral or religious convictions may feel that in such an environment their careers are in jeopardy.

We disagree that the rule “created confusion about the scope and original intent of the law.” Fears of women being denied access to contraception are inconsistent with the language of the rule. Contrary to the assertions of many abortion advocates, the language of the finalized rule faithfully implemented the spirit and letter of the conscience laws to Congress has enacted over the last 30 years. Many of the opponents to the rule continue to oppose the

underlying federal statutes. Yet these legislative provisions have been renewed year after year, and there is a broad popular support for conscience protection for health care professionals with respect to abortion.

Physicians are trained to “first do no harm.” We believe the requirement to perform or assist in an abortion violates the most basic tenet of the medical profession, and we strongly urge you to preserve the existing conscience protection rule. In the absence of guidance and education, cases of discrimination may go unchecked and professionals may continue to leave their fields, exacerbating the health care workforce crisis that is already plaguing our country. No one should be forced to participate in abortion.