

Catholic Health Association Statement Regarding Federal Conscience Clause Regulations

The Department of Health and Human Services recently published a proposed rule to rescind the provider conscience regulation issued by the Bush Administration in December 2008. The Catholic Health Association is currently reviewing the rescission proposal and will submit a formal response during the government's current 30-day comment period. It is regrettable that the December 2008 regulation was issued so late that there was insufficient time to gauge its impact.

The provider conscience regulations were issued to raise awareness of and compliance with long-standing federal laws protecting the conscience rights of health care entities and providers. The federal conscience laws include the "Church Amendments" enacted in the 1970s; Section 245 of the Public Health Service Act, enacted in 1996; and the Weldon Amendment originally enacted in 2004. These remain in force.

Catholic health care has long operated under the protection of these laws, which are essential for both our own ministry and our nation's commitment to pluralism and to freedom of conscience and religion. While protecting the rights of patients, Catholics and others must not be forced to perform procedures that are contrary to their deeply held moral beliefs and principles. The federal conscience protection laws will continue in force and remain valid, regardless of any amendment or rescission of the recent regulations.