



A Passionate Voice for Compassionate Care

March 3, 2017

The Honorable James Lankford
United States Senate
Washington, DC 20510

The Honorable Diane Black
U.S. House of Representatives
Washington, DC 20515

The Honorable Jeff Fortenberry
U.S. House of Representatives
Washington, DC 20515

Dear Senator Lankford and Representatives Black and Fortenberry,

On behalf of the Catholic Health Association (CHA), the national leadership organization of more than 2,200 Catholic health care systems, hospitals, long-term care facilities, sponsors, and related organizations, I am writing in support of S. 301 and H.R. 644, The Conscience Protection Act of 2017, which would permanently codify protections for individual and institutional health care providers' conscience rights and provide remedies for violations of those rights.

Since 2004, Congress annually has enacted with bipartisan support provider conscience protections known as the "Weldon Amendment." That Amendment protects providers from discrimination on the basis that the provider does not provide, pay for, provide coverage of, or refer for abortions. We view this existing legal protection as essential for the continuation of both Catholic health care and our nation's commitment to freedom of religion and of conscience. We believe it should be codified permanently into law rather than being annually renewed through a rider on the Labor-HHS Appropriations legislation.

We also believe remedies for violations of provider conscience protections are essential. While every other federal civil rights law includes a private right of action, including the Administration's recent health care non-discrimination rule, current provider conscience laws do not recognize the right of individual or institutional health care providers to go to court to defend themselves against discrimination. Adding a private right of action will allow the current laws to work as they should by providing for injunctive relief and for the measured judicial and administrative penalties needed to stop discrimination as is the case with other civil rights laws.

We note that one section of the bill addresses the interaction of conscience protections and the Emergency Medical Treatment and Labor Act (EMTALA), which ensures public access to emergency services regardless of ability to pay. We wholeheartedly support EMTALA and would in no way seek to undermine its crucial protections. Catholic hospitals have been providing compassionate, quality care under both EMTALA and the "Weldon Amendment" without conflict since the enactment of these



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provisions and do not need or seek exception from EMTALA. The two laws have coexisted harmoniously since their enactment and should continue to do so. It is our understanding that the intent of the EMTALA provision is to continue, unchanged, the existing relationship between the two laws. However, we do not consider this provision a necessary or essential part of the bill and would support its deletion because what is essential is the codification of Weldon and creation of a private right of action.

We would appreciate your bipartisan support to enact The Conscience Protection Act of 2017 this year, in order to provide permanent and enforceable protections for individual and institutional health care providers' conscience rights. Please feel free to contact us or our staff if you have any questions on this important issue.

Sincerely,

A handwritten signature in black ink, which appears to read "Sr. Carol Keehan".

Sr. Carol Keehan, DC
President and CEO