

Christians concerned about conscience clause

by [Adelle M. Banks](#)

February 22, 2011

WASHINGTON (RNS) Catholic bishops and Christian medical groups are "disappointed" that the Obama administration has rescinded Bush-era conscience clauses for health care workers.

The U.S. Department of Health and Human Services on Friday (Feb. 18) issued its new guidelines, which govern medical staffers who object to procedures for religious or moral reasons.

The department said in a statement that it is "building upon provisions of the Bush administration rule that established an enforcement process for federal conscience laws, while rescinding the definitions and terms of the previous rule that caused confusion and could be taken as overly broad."

The debate over conscience regulations involves a range of ethical dilemmas, from a physician's refusal to prescribe birth control pills to patients who fear discrimination because of their sexual orientation.

The new rule, which takes effect in 30 days, maintains protections for health care workers who do not want to take part in abortions. HHS also called for new initiatives to clarify the complaint process for medical professionals who feel coerced or discriminated against.

But the Christian Medical Association harshly criticized the HHS action, saying it "diminishes the civil rights that protect conscientious physicians and other health care professionals against discrimination."

The new rule states that the now-rescinded regulation "caused significant confusion as to whether abortion also includes

contraception." Federal law does not include contraception in a definition of abortion.

HHS responded to critics who suggest rescinding the 2008 rule would prompt Roman Catholic hospitals to close, saying those medical facilities "will still have the same statutory protections afforded to them as have been for decades."

The department said definitions in the 2008 rule also created confusion about whether conscience protections permitted medical staffers to refuse treatment to entire groups of people based on moral or religious beliefs.

"They were never intended to allow providers to refuse to provide medical care to an individual because the individual engaged in behavior the health care provider found objectionable," says the new regulation.

Deirdre McQuade, a spokeswoman for the U.S. Conference of Catholic Bishops, said the new rule eliminates "important clarifications" that have protected health care providers for decades.

"It is very disappointing that the administration has chosen to eliminate much of the existing regulation on conscience issued in December 2008," she said.

However, she welcomed the administration's plan to increase awareness of existing laws.

HHS received more than 300,000 comments about the 2008 rule, with more than half of them opposing the department's plans to eliminate it.