

Pro-Life Victims of Discrimination

Recently there have been numerous cases that demonstrate the urgent need to enact the Health Care Conscience Rights Act in response to discrimination against pro-life health care providers.

NURSES

- In 2011, the **University of Medicine and Dentistry of New Jersey (UMDNJ) hospital** began enforcing a new policy requiring nurses to undergo training and to facilitate abortions or risk employment termination. This was a blatant violation of the Hyde-Weldon amendment, but the nurses lacked explicit standing to go to court leaving their fate in question. Under intense pressure UMDNJ eventually conceded to the nurses and changed the policy.ⁱ
- In 2009, nurse Cathy DeCarlo filed a lawsuit against **Mt. Sinai Hospital** in New York after she was forced to participate in the abortion of a 22 week unborn child. Despite objecting to the procedure, she was required to “watch the doctor remove the bloody arms and legs of the child from the mother’s body. And deliver the bloody body parts of the 22-week-old preborn child to the specimen room.” She was told that if she did not participate in the case she would face possible loss of her job and/or nursing license.ⁱⁱ Nurse DeCarlo’s federal claim was thrown out because the court found she lacked explicit standing to sue. DeCarlo also filed a complaint with HHS without resultsⁱⁱⁱ until February 12, 2013, years after the complaint was filed and HHS completed their investigation, Mt. Sinai announced additional policy and procedure changes to ensure that medical personnel are not forced to participate in abortions.^{iv}
- In 2011, two young women applying for a nurse residency program at **Vanderbilt University Hospital** discovered that they would have to agree to participate in abortion in order to be accepted into the program. Since participation in abortion would violate their moral and religious beliefs, this requirement would have prevented them from applying for the program. When this discriminatory policy became public, Vanderbilt relented.^v
- In 2010, nine nurses at **Nassau University Medical Center in New York** were suspended for refusing to take part in an abortion. After the nurses’ union stepped in, the hospital reversed the suspension.

CHARITIES

- In 2011 the **U.S. Department of Health and Human Services (HHS) denied the United States Conference of Catholic Bishops’ (USCCB) Migration and Refugee Services (MRS) a grant renewal** for providing care to victims of human trafficking even though the USCCB submitted one of the highest scoring applications. Instead HHS selected grantees that scored as much as 20 points lower than the USCCB. Why? Because the USCCB was not willing to provide referrals for certain reproductive health services (such as abortion). This discrimination was the subject of a House Oversight and Government Reform Committee Hearing in December of 2011.^{vi} Under current law the USCCB’s only recourse is to complain to HHS, the very agency that discriminated against them. The Health Care Conscience Rights Act would provide judicial recourse so that in the future a similar victim could seek redress in court.

CITIZENS, EMPLOYERS & INSURERS

- In 2012, the **Washington State House** passed a bill titled, the “Reproductive Parity Act, which would require all private insurance companies that provide prenatal care to also provide abortion coverage. If enacted every individual nonprofit and business that buys insurance in Washington would be forced to subsidize abortion. Fortunately, this law was not enacted in the 2012 session, but it has been reintroduced in 2013 and clearly demonstrates the effort to force abortion on unwilling participants. If enacted all insurance purchasers (individuals & employers) in Washington would be required to subsidize elective abortion.

HOSPITALS

- In 2011, **Kentucky Governor Steve Beshear** rejected a proposed merger of health systems in Louisville that included the University of Louisville Health Care System, a public facility, and Catholic Health Initiatives (CHI). The governor blocked the merger primarily because the merged entity would not have provided abortions, and despite the fact that CHI would have infused more than \$300 million of badly needed capital into the venture. CHI and another entity have since moved forward with a merger that excludes the public facility.
- In 2011, Merger Watch and other opponents bitterly contested Holy Cross Hospital's (Silver Spring) proposal to build and operate an additional **hospital in Germantown, MD**, as the new facility would not perform abortions. In January 2011, the Maryland Health Care Commission approved Holy Cross' proposal. It judged Holy Cross to be the hospital best positioned financially to improve access to hospital services for residents of upper Montgomery County and provide adequate bed capacity for the future; and noted that women could readily find reproductive health services elsewhere in the county. Despite the Commission's approval, advocacy groups hostile to conscience rights have continued to pressure county and local governments to deny Holy Cross Hospital's proposed expansion.
- In 2010, the **California Department of Managed Health Care (DMHC)** claimed that the current conscience clause (Hyde-Weldon) does not apply to its actions, as the DMHC does not directly receive federal funding. It then attempted to coerce Catholic health care employers to cover abortions in their employees' health insurance plans.

ⁱ <http://www.adfmedia.org/News/PRDetail/5176>

ⁱⁱ <http://oldsite.alliancedefensefund.org/userdocs/Cenzon-DeCarloFactSheet.pdf>

ⁱⁱⁱ <http://www.adfmedia.org/News/PRDetail/2895#CurrentNewsRelease>

^{iv} <http://www.adfmedia.org/News/PRDetail/2895>

^v <http://www.alliancedefendingfreedom.org/News/PRDetail/4513>

^{vi} http://www.washingtonpost.com/blogs/2chambers/post/at-grant-hearing-republicans-accuse-obama-administration-of-bias-against-catholics/2011/12/01/gIQAj1WHO_blog.html