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April 8, 2009

The Honorable Charles E. Johnson, Acting Secretary  
Department of Health and Human Services  
Attention: Rescission Proposal Comments  
Hubert H. Humphrey Building  
200 Independence Avenue, SW, Room 716G  
Washington, DC 20201

Re: Rescission of the regulation entitled “Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law”

Dear Acting Secretary Johnson:

As physicians, nurses, midwives, and other healthcare professionals, we, the undersigned, urge the Department of Health and Human Services to finalize the rescission of the regulations entitled, “Ensuring that Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law” (Fed. Reg. 74, No. 45, March 10, 2009).

By withdrawing the regulation, the Department has an opportunity to give the decision-making power over reproductive healthcare back to the patient. This dangerous rule shields healthcare providers who withhold medical information from patients. It lets hospitals and healthcare providers deny women access to and information about contraception and other healthcare services. In reversing the regulation, the Department will ensure that patients receive the information and services they need to stay healthy. The Department will also save \$43.6 million—the estimated cost of enforcing the rule—funds that instead could help improve our strained healthcare system.

Rescinding this regulation will do no damage to patient care or the healthcare community; rather, it will improve both. The stated objective of the rule was to protect healthcare providers’ consciences, yet federal laws—some in place for decades—amply safeguard a provider’s right to abstain from performing abortions or sterilizations. Providers whose personal beliefs conflict with these procedures can step aside without censure. This right was protected before the new rule and will still be protected without the regulation.

While relieving the healthcare professions of a redundant and confusing rule, the Department will increase the chances that patients receive the information, referrals, and treatment they need. Every healthcare professional is ethically bound to inform patients about all of their options; and, if one cannot or will not provide a service, each healthcare professional is ethically bound to refer patients in a timely manner to someone who can. The regulation, however,

reverses this vital practice. The rule permits providers to hold back information and referrals from patients; moreover, it allows them to do so without making any indication of their omissions. Unless providers disclose their refusal to supply facts and referrals, how can patients know that they might not have information that is essential to their health?

Once free of the rule, healthcare providers can go back to upholding the balance between their personal beliefs and the patient's right to know her options. Instead of keeping patients in the dark and, at worst, risking their health, we will help them stay well. That is a basic goal of the work we do, whether we are treating cancer or mending broken bones. Help us bring reproductive healthcare back to that standard. Please rescind the regulation.

Sincerely,

Physicians for Reproductive Choice and Health  
American Medical Student Association  
American Medical Women's Association  
Association of Women's Health, Obstetric and Neonatal Nurses  
California Academy of Family Physicians  
Medical Students for Choice  
Reproductive Health Access Project