

Morally Coercive/Discriminatory Practices/Regulations (Continued.)

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In the preamble to the new regulations, the US Department of Human and Health Services states that the Department is concerned about the development of an environment in sectors of the health care field that is intolerant of individual objections to abortion or other individual religious beliefs or moral convictions.

Such developments, the Department says, may discourage individuals from entering health care professions. Such developments also promote the mistaken belief that rights of conscience and self-determination extend to all persons, except health care providers.

Additionally, religious and faith-based organizations have a long tradition of providing medical care in the US, and they continue to do so today--some of these are among the largest providers of health care in this nation, the Department points out.

According to the Department, such institutions may have traditions of issuing guidance to inform the members of their workforces of the parameters under which they should operate in accordance with the organization's overall mission and ethics. A trend that excludes some among various religious, cultural and/or ethnic groups from participating in the delivery of health care is especially troublesome when considering current and anticipated shortages of health care professionals in many medical disciplines and regions of the country.

Availability of Reproductive Services Is Not Affected

According to the Department, the ability of patients to access health care services, including abortion and reproductive health services, is long-established and is not changed in this rule.

Instead, the new regulations implement Federal laws protecting health care workers and institutions from being compelled to participate in, or from being discriminated against for refusal to participate in, health services or research activities that may violate their consciences, including abortion and sterilization, by entities that receive certain funding from the Department.

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We have placed the full text of the DHHS announcement on our website at <http://www.nursinglaw.com/DHHS121908.pdf>.

The regulations themselves appear at the end of the document starting at Federal Register page 78096, which is pdf page 26.

DHHS has provided the following contacts:

For further information regarding this rule, contact:

***Brenda Destro
(202) 401-2305***

Office of Public Health and Science,

Department of Health and Human Services,

Room 728E, Hubert H. Humphrey Building,

200 Independence Avenue, SW.,

Washington, DC 20201.

For information regarding how to file a complaint with the Office for Civil Rights contact:

***Vernell Lancaster
(202) 260-7180***

***Office for Civil Rights,
Department of Health and Human Services,***

Room 533F, Hubert H. Humphrey Building,

200 Independence Avenue, SW.,

Washington, DC 20201.

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