

Fleming Amendment Will Jeopardize Patient Access to Health Care Services and Information

Representative John Fleming (R-LA) has filed an amendment to H.R. 1 that would prevent the Obama Administration from rescinding or modifying a regulation finalized during the waning days of the Bush Administration that undermines patient access to medical care and information.

A broad range of individuals and organizations opposed the rule, known as the HHS Refusal Regulation, including the American Medical Association; a bipartisan group of 13 state attorneys general; 27 state medical societies; the American Hospital Association; the National Association of Community Health Centers; Commissioners and the Legal Counsel of the Equal Employment Opportunity Commission; professional nurses associations; HIV/AIDS provider groups; religious organizations; and advocacy groups who work on lesbian, gay, bisexual and transgender rights, HIV/AIDS, women's rights, reproductive rights, and international issues. The Obama Administration proposed to rescind the HHS Refusal Regulation in March 2009.

The Fleming Amendment Would Jeopardize Patient Access to Health Care Services and Information and Undermine the Provider-Patient Relationship

The HHS Refusal Regulation ignores the health needs of patients, permitting refusals to provide a wide range of health care services, information, counseling, and referrals. It allows absolute refusals to provide information, not even requiring providers to notify patients about services and information they refuse to provide. This discourages honest conversation and undermines the provider-patient relationship. The HHS Refusal Regulation limits patient access in a range of areas, including care related to contraception, end-of-life, infertility, sexually transmitted infections, HIV/AIDS, drug addiction, and mental health. Retaining the regulation would limit patients' access to health care, as well as basic and important information about their health care options.

The Fleming Amendment Will Perpetuate Confusion Throughout the Health Care System, Maximizing Potential for Harm

The HHS Refusal Regulation creates serious confusion throughout the health care system by threatening existing legal requirements and health care program requirements. For example, federal employment law provides a careful balance between an employee's religious beliefs and a patient's need for health care. The HHS Refusal Regulation undoes this careful balance, causing confusion and uncertainty. The HHS Refusal Regulation also confuses states about their ability to enforce their own laws protecting access to health care services and information, including laws requiring insurance coverage of contraception or requiring hospitals to give rape survivors information about how to prevent pregnancy. Retaining the regulation perpetuates the potential for harm arising from such uncertainty.

The National Women's Law Center urges you to oppose the Fleming Amendment. For more information, contact the National Women's Law Center at (202) 588-5180.