

HHS Rescinds Portions of Health Care Denial Rule that Threatened Women's Health

Today, the Department of Health and Human Services partially rescinded a regulation entitled, "Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in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," which went into effect under the Bush Administration. These changes restore critically important protections for patients.

The New Rule Protects Patient's Access to Important Health Information

The rule protects patient's access to important health information by rescinding the portion of the rule that inappropriately interpreted parts of the statutes to include referrals, counseling, and the provision of information. The rule also recognizes the importance of informed consent and makes clear that a physician's obligation to inform patients of their treatment options remains. Finally, the rule clarifies that the requirements of the Title X family planning program to provide counseling to a woman facing an unintended pregnancy about all her options remains in effect.

The New Rule Preserves A Long-Standing Protection to Ensure that Women Experiencing Pregnancy Complications Are Not Refused Treatment in Emergencies

The rule makes clear that health care entities must continue to comply with the requirements of the Emergency Medical Treatment and Labor Act (EMTALA), which requires an emergency room to provide stabilizing treatment to a patient in a medical emergency, and makes clear that any perceived conflicts between the refusal laws and EMTALA will be addressed on a case by case basis.

The New Rule Prevents Refusals Laws that Are Limited to Abortion From Being Inappropriately Used to Jeopardize Access to Contraception

The rule clarifies that the term "abortion" in the federal refusal statutes does not include contraception, eliminating concern with the Bush Administration rule that the federal refusal statutes were improperly interpreted to jeopardize patients' access to contraception.

The Rule Prevents People from Being Denied Treatment Because of Who They Are

The rule clarifies that the federal refusal laws were never intended to protect health care providers who refuse to provide medical care to an individual because he or she engaged in behavior the health care provider found objectionable. This is a critically important clarification that prevents single women seeking infertility treatment or gay teens seeking mental health counseling from being denied care.

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