

## FACT SHEET

# The Health Care Conscience Rights Act Would Undermine Laws that Protect Women's and Families' Access to Health Care

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*The FY2016 Labor, Health and Human Services (LHHS) funding bill includes many provisions that would harm our nation's women and families, including provisions intended to dismantle access to comprehensive health care. From slashing funding for critical and effective sex education programs to completely gutting the Title X program to denying funds for implementing the Affordable Care Act, the proponents of the LHHS bill make clear their intent to ensure that Americans, particularly low-income women, lose access to critical health care services and information about such care.*

*A key part of this attack on health care is the inclusion of the Health Care Conscience Rights Act (HCCRA) (H.R. 940) in the bill. HCCRA has one goal: to completely undermine the health care benefits provided by the Affordable Care Act. HCCRA would have a devastating impact on health care access for millions of Americans.*

## Under HCCRA, Employers Would Have An Unprecedented Ability to Shirk Their Legal Obligations Based on Employers' "Moral or Religious Objection."

HCCRA would take the Supreme Court's Hobby Lobby decision to an entirely new level by allowing any employer or insurance company to refuse to cover any of the preventive services or any essential health benefit required to be covered by the Affordable Care Act (ACA).

- HCCRA would give broad license to CEOs to impose their religious beliefs on their hardworking employees. This would take away from employees insurance coverage of critical health care services that is otherwise guaranteed to them by law.
- Under HCCRA, an employer or insurance plan could opt out of many of the ACA requirements, including those requiring coverage of: **vaccines, Type 2 Diabetes screening, HPV screening, HIV/AIDS screening and counseling, prenatal testing, birth control, or other prescription drugs.**

## HCCRA Undermines the Basic Principle of Insurance

In addition to allowing plans and employers to opt out of the ACA's coverage guarantees, HCCRA allows individuals who claim a particular service is contrary to his or her religious or moral beliefs to purchase plans without that coverage – even if the coverage is required by the ACA.

- By allowing each individual to pick and choose specific medical services to be covered in a plan, HCCRA radically undermines the basic principle of insurance, which involves pooling the risks for all possible medical needs of all enrollees. The language is vague enough that, if even one individual objects to any of the required coverages, insurers may be able to deny coverage to an entire market. For example:
  - o If an individual objected to coverage of vaccines for children, the plan could potentially exclude it for everyone despite being required to include it as a preventive health service.
  - o If a man purchasing an insurance plan objected to maternity coverage, the plan potentially would not have to cover it for anyone – including women – even though such coverage is required as part of the essential health benefits.
- Simply put, HCCRA could allow a single consumer's personal beliefs to veto the health care needs of others.

## HCCRA Could Further Limit Women's Access to Abortion, Including Denying Women Life-Saving Care

HCCRA includes the Abortion Non-Discrimination for Health Care Providers Act (ANDA), which expands and further entrenches existing harmful laws that could result in women losing access to abortion, even in life-saving emergencies.

- **ANDA makes permanent the Weldon Amendment.** The Weldon Amendment is an annual appropriations rider attached to funds made available through the LHHS appropriations bill. The Weldon Amendment already creates a barrier to women getting comprehensive health care by emboldening health care professionals, health care entities, and insurance plans to refuse to provide, cover, pay for, or refer for abortion.

The ability of a hospital, HMO, or any other health care facility to claim exemptions from laws that have to do with abortion could completely obstruct a woman's access to abortion. Moreover, allowing hospitals and health care facilities to prevent providers from referring for abortions could leave a woman without critical information about her health care status. She could also be forced to undergo unnecessary tests and experience delays due to a refusal to refer.

- **ANDA expands the Weldon Amendment.** ANDA would extend the Weldon Amendment's scope to include health care professionals who "participate in" the provision of abortion. This term is not defined and is so vague that it could apply to those only tangentially involved in abortion care.
  - o A woman could be left stranded without access to a life-saving abortion if the ambulance driver refuses to take her to get the care she needs. In 2004, an ambulance driver in Chicago [did exactly that](#), refusing to drive a woman complaining of abdominal pain from a hospital to an abortion clinic.
  - o A scheduler for a health care facility could refuse to schedule appointments for abortion by claiming protection under ANDA's expansion of the Weldon Amendment.
- **ANDA Fails to Include Protections for When a Woman is Facing a Life-Threatening Emergency.** ANDA could cause confusion and potential conflict with another federal law, the Emergency Medical Treatment and Active Labor Act or "EMTALA", which requires the delivery of services in life-threatening emergencies. A hospital could claim that it has no duty to save the life of a woman because it is exempted under ANDA. In life-threatening emergencies, women must have timely access to the care they need. The time spent resolving the confusion caused by the two laws could mean the difference between saving a woman's life and not.

## **HCCRA Adds a Private Right of Action for any Actual or Threatened Violation of Any Federal Refusal Law**

HCCRA establishes a private right of action not only under its provisions but also for other federal refusal laws relating to abortion (known as the Church Amendment and the Coats Amendment).

- Establishing this private right of action would allow individuals or entities to go to federal court if the person or entity believes that a violation of any of these refusal laws has occurred or could occur. This provision could flood the courts with frivolous lawsuits costing governments millions of dollars. Potential litigation, even where frivolous, could also chill state and federal efforts to protect women's access to abortion.