



Michael D. Maves, MD, MBA, Executive Vice President, CEO

July 23, 2008

Michael O. Leavitt
Secretary
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Leavitt:

The American Medical Association (AMA) was recently made aware of a draft notice of proposed rulemaking that would redefine terms and require recipients of federal funds to certify that they comply with the conscience protections in several federal statutes. We have had the opportunity to review the "pre-decisional" draft proposed rule (a summary of which was dated July 15, 2008) and want to express our concern that several provisions and definitions are ambiguous, overly broad, and could lead to differing interpretations causing unnecessary confusion and disruption among health care institutions and professionals.

While the intended purpose of the draft proposal is to educate recipients of federal Department of Health and Human Services (HHS) funding of their legal obligations under the Church Amendments, section 245 of the Public Health Service Act, and the Weldon Amendment to comply with certain conscience protections afforded to individuals and institutions with moral objections to abortion and other medical procedures, we are concerned that several provisions could go beyond this intended purpose and could result in inconsistent and inappropriate application of the False Claims Act and Program Fraud Civil Remedies Act of 1986.

In light of these concerns, and cognizant of the June 1, 2008, Executive Order issued by the Administration limiting the proposal of new rules, we urge you not to release this proposed rule.

Sincerely,

A handwritten signature in black ink that reads "Mike Maves". The signature is written in a cursive, flowing style.

Michael D. Maves, MD, MBA