



REPRODUCTIVE RIGHTS & HEALTH PUT PATIENT HEALTH FIRST: OPPOSE REFUSAL OF CARE LAWS

A health care provider's religious beliefs should never determine the care a patient receives. Yet refusal of care laws allow health care providers like hospitals, doctors, nurses, and health insurance companies, to do just that—refuse to treat a patient seeking an abortion because of religious or moral beliefs.

FEDERAL RELIGIOUS EXEMPTION LAWS ALLOW RELIGIOUS BELIEFS TO DICTATE PATIENT CARE

There are a number of federal laws – most notably the so-called Church Amendments^j, Coats Amendmentⁱⁱ, and Weldon Amendmentⁱⁱⁱ – that allow various health care providers to refuse to provide care to a person seeking an abortion. The Weldon Amendment – which is not permanent, but rather has been attached yearly to the annual Labor-HHS appropriations bill – is the most far-reaching. It allows insurance plans to refuse to cover abortion and even allows individual health care providers like doctors and nurses to refuse to provide patients with referrals for abortion.

These religious exemption laws allow hospitals, doctors, and nurses to determine a patient's care based on religious beliefs, not based on what is best for the patient's health and circumstances.

VOTERS OPPOSE REFUSAL OF CARE LAWS AND ARE WILLING TO HOLD ELECTED LEADERS ACCOUNTABLE

In a March 2017 nationally representative survey done on behalf of the National Women's Law Center, 61 percent of voters showed opposition to refusal of care laws,^{iv} with 43 percent of voters strongly opposing the laws. Majority opposition to these laws includes voters who identify as Catholic (57 percent oppose) and as Protestant (51 percent oppose).

In addition:

- Sixty-three percent of voters oppose laws that allow hospitals to refuse to provide a woman with information or referrals about abortion because of religious or moral beliefs.
- Sixty-two percent of voters oppose laws that allow insurance companies to refuse to cover a woman's abortion because of religious or moral beliefs.
- Sixty-two percent of voters oppose laws that allow doctors or nurses to refuse to provide a woman with information or referrals about abortion because of religious or moral beliefs.

THE TRUMP ADMINISTRATION IS SEEKING TO EXPAND REFUSAL OF CARE LAWS

Despite the widespread opposition, the Trump Administration has prioritized enforcing and illegally expanding these federal refusal of care laws. For example, the Trump Administration created a new division within the Department of Health and Human Services that is dedicated to protecting those who refuse patient care.^v In addition, the Trump Administration issued a final rule illegally and improperly expanding the reach of federal refusal of care laws to allow virtually any entity or individual even tangentially involved in patient care to deny patients health services.^{vi}

Refusal of care laws and policies like these allow health care providers to place their personal beliefs ahead of patient care. Our government should instead be focused on ensuring that patients get the care they need, including abortion.

SOURCES

- i. 42 U.S.C. § 300a-7(c) (2017).
- ii. 42 U.S.C. § 238n (2017).
- iii. Consolidated Appropriations Act 2017, Pub. L. No. 115-31, § 507 (2017).
- iv. GREENBERG QUINLAN ROSNER RESEARCH, VOTERS OPPOSE RELIGIOUS EXEMPTION LAWS: FINDINGS FROM A NATIONAL SURVEY OF VOTERS (May 3, 2017) available at <https://nwlc.org/wp-content/uploads/2017/05/NWLC-Refusals-Memo-May-3-2017-1.pdf>.
- v. HHS Announces New Conscience and Religious Freedom Division, HHS Office for Civil Rights (Jan. 18, 2018), <https://www.hhs.gov/about/news/2018/01/18/hhs-ocr-announces-new-conscience-and-religious-freedom-division.html> (last visited Oct. 22, 2019).
- vi. 45 C.F.R. pt. 88 (2019).