



THE NATIONAL CATHOLIC BIOETHICS CENTER

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Bioethics and Public Policy Report

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The National Scene

The US Supreme Court, in *King v. Burwell*, upheld the Affordable Care Act's state subsidies even for states that have declined to set up state-sponsored insurance exchanges, although not provided for in the law. Thus, an opportunity to rewrite, and provide better religious freedom protections, as well as protections against public funding of abortion, has been stalled. See the [NCBC's response here](#). ♦ The U.S. Department of Health and Human Services has issued Final "Rules" mandating that virtually all employers provide in their employee benefit packages coverage of certain so-called preventive services for women, including contraceptive and abortifacient drugs and devices ("HHS Contraceptive Mandate"). The "Rules" [do not provide for any new exemption](#) to the HHS Contraceptive Mandate. They expand the definition of "eligible organization" so that "closely held" for-profit organizations with a religious objection now qualify for the "accommodation," which was previously limited to religious non-profit organizations. They also provide for an "alternative" method for accommodation-eligible organizations to report their objections and insurance plan information, which still implicates the employer in the mechanism by which its employees receive the objectionable coverage. Within days of the promulgation of these new "Rules," the 10th US Circuit Court of Appeals denied an injunction against compliance [to the Little Sisters of the Poor](#), after the US Supreme Court had temporarily granted such an injunction until the 10th Circuit Court could hear the case. ♦ The Care Planning Act of 2015 would provide health care professionals with reimbursement for [consulting with their patients about end-of-life care](#), a provision removed from the Affordable Care Act. Also, the Centers for Medicare and Medicaid Services are seeking comment on their proposal to reimburse physicians for advanced care planning, which is without existing statutory provisions. The [cautions addressed by NCBC are cited here](#).

The State of Conscience and Religious Liberty

A family owned Oregon bakery was forced to close, and was told by the Oregon Bureau of Labor and Industries [not to speak of their objection](#) to same-sex marriage, in violation of their rights to free speech and religious freedom, which incurred a hefty fine imposed upon them for refusing to cooperate in a same-sex wedding. A [similar case is before the Colorado Court of Appeals](#). ♦ The 5th US Circuit Court of Appeals has ordered Wheaton College, a private evangelical college, and East Texas Baptist University, to offer emergency contraception coverage to its employees and students under the HHS Contraceptive Mandate. The [schools are seeking recourse](#) to the US Supreme Court. The NCBC is a signatory to an amicus brief [in support of East Texas Baptist University](#). ♦ The Governor of California signed into law a statute that denies parents a "personal belief" exemption from vaccinating their children. The Pontifical Academy for Life had [issued a response to the question](#) of the morality of parents allowing their children to be immunized with vaccines produced using cell lines from aborted fetuses in the absence of alternatives. ♦ The Federal government has established policy that [virtually disqualifies any pro-life organizations](#) from being grantees to provide services to trafficked victims. Grantees must provide "the full range of legally permissible gynecological and obstetric care," thus, counseling for abortion. ♦ The 9th U.S. Circuit Court of Appeals [overturned a 2012 ruling](#) by a U.S. District Court, which had found that the Washington's rules forcing pharmacists to stock and dispense abortifacients in the form of emergency contraception violated the religious freedom of pharmacy owners. ♦ Also, see Recent Good News.

The State of Marriage

Since the US Supreme Court decision violating state's rights by creating a new non-existent constitutional right to same-sex marriage (*Obergefell v. Hodges*), [persons are standing up for their religious liberty](#) at great personal price. ♦ The impact on religious liberty already is being seen as catastrophic, as with a number of Catholic Charities agencies [no longer being able to place children for adoption](#), despite their supported position that children are not a commodity, but a gift, who have a right to be raised in a home with a mother and a father. See the [NCBC response here](#). ♦ Two judges in Ohio have [refused to](#)

[sign certificates](#) or to witness same-sex marriages. ♦ A Kentucky county clerk is [being sued for refusing to issue](#) a marriage license to a same-sex couple. ♦ Legislatures in Kentucky are proposing legislation to [protect county clerks from criminal](#) or civil liability for refusing to issue such marriage licenses.

State by State

The Attorney General of Kansas is [appealing to the Kansas Court of Appeals](#) an injunction against that state's law prohibiting dismembering a live fetus by abortion. ♦ The US Supreme Court has [enjoined a lower court decision](#), which had upheld Texas' state regulatory requirements that abortionists have admitting privileges to a local hospital, until litigation is complete. ♦ A US District Court has [temporarily enjoined a Tennessee law](#), requiring abortion sites to meet the protective safety licensing standards of ambulatory surgical centers, while the litigation on this matter continues. ♦ The Ohio Health and Human Services Committee [advanced the Pain-Capable Unborn Child Protection Act](#), prohibiting abortions after 20 weeks gestation. ♦ The Iowa Supreme Court [ruled against a state provision](#) protective of women seeking a chemical abortion. The state law had prohibited the administration of abortion-inducing drugs remotely via video teleconferencing, in the absence of an on-site physician. ♦ The state of Oregon has [legalized prescriptive authority](#) for contraceptives to adult women by pharmacists. The state of California is [developing regulations to implement a similar law](#) of 2013.

Recent Good News

The US House of Representatives voted to eliminate the Independent Payment Advisory Board (IPAB) provisions of the Affordable Care Act (ACA), a step praised by the Healthcare Leadership Council, an organization comprised of leaders from all US healthcare sectors, including the NCBC. The NCBC was a [signatory to a letter requesting this revision](#) to the ACA. The IPAB is comprised of Presidential appointees charged with making recommendations to cut Medicare expenditures which will not be subject to administrative or judicial review. The Senate now is responsible for considering this bill. ♦ The California Assembly's Health Committee [lacks the votes to legalize physician-assisted death](#), a proposal that already had passed the state Senate. Through letters sent to the California Governor and committee members, the NCBC has united with the National Catholic Partnership on Disability to expose the truth of such proposals: vulnerable persons, including those with disabilities will be victims of abuses allowed by such laws. In the last two legislative years proposals have been before 19 jurisdictions, and failed in nine of them to date. ♦ A federal district court has [dismissed an American Civil Liberties Union](#) lawsuit against the United States Conference of Catholic Bishops charging that their Ethical and Religious Directives for Catholic Health Care Services do not include abortion as health care. ♦ The US Supreme Court has [enjoined a lower court order](#) forcing the Diocese of Pittsburgh, and related entities, from being forced to comply with the HHS Contraceptive Mandate, while the case is in litigation. ♦ The Governor of New Jersey [vetoed legislation that would provide public funding](#) to Planned Parenthood, Inc. ♦ The Texas Attorney General [issued an advisory opinion](#) pertaining to religious freedom following the US Supreme Court's Obergefell v. Hodges decision. The opinion indicates that clerks asked to issue marriage licenses to same-sex couples may have their religious freedom respected. ♦ A Florida County State Justice [enjoined a law](#) providing women seeking an abortion enhanced informed consent by requiring a 24 hour waiting period, which was stayed by a state circuit court. Thus, the law goes into effect. ♦ The Wisconsin Governor [has signed into law](#) a prohibition against abortions after twenty weeks gestation. ♦ The Minnesota law requiring health care providers of mothers who receive a diagnosis of Trisomy 13, 18, or 21 (Down syndrome) to [provide information and resources](#) to help them and their children (other than just the standard option of abortion), has gone into effect. ♦ The U.S. Court of Appeals for the Eighth Circuit has ruled that Missouri State Senator Paul Wieland and his wife Teresa, [have standing as parents](#) opposed to providing to their children insurance as required under the HHS Contraceptive Mandate, to file a lawsuit against the federal government.

Sharing Your Good News and Your Efforts

If there are public policy advocacy strategies which you wish to share with others, please e-mail mhilliard@ncbcenter.org.

Sharing of Resources

The web page of the National Catholic Bioethics Center is a significant resource in the realm of bioethics: www.ncbcenter.org. Also, bioethicists are on call twenty-four hours a day, every day of the week, for consultation by calling 215-877-2660.