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Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act

Comment On: EBSA-2010-0018-0002

Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under Patient Protection and Affordable Care Act: Amendment

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General Comment

The Honorable Kathleen Sebelius
Secretary
United States Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Sibelius,

We, the undersigned organizations working to promote and protect religious freedom, wish to express

our concern regarding the amendment to the interim final regulation (CMS-992-IFC2) which exempts some religious institutions from providing coverage for contraception as preventive care. This proposed

exemption is troubling to us because it is based on a serious misreading of the freedom of religion we

hold dear.

Misinterpretation is understandable, given that some groups, including especially the United States Conference of Catholic Bishops, have called what we believe should be an individual choice into what they have termed "an unprecedented attack on religious liberty." We urge you and the Department of Health and Human Services (HHS) to carefully consider the motivations of those who oppose this guideline in conjunction with your motivations, which would appear to be to enhance the public good.

The United States tax code is instructive in this matter. In the eyes of the Internal Revenue Service (IRS),

certain not-for-profit organizations such as hospitals, charities and social service organizations are rightly

treated as "special." A healthy civil society nurtures the agencies doing the vital work of taking care

of
the public good. The IRS standards for nonprofit organizations make very clear that the function that makes these entities special is the fact that they further the public good. They state, "The organization must not be organized or operated for the benefit of private interests."
The HHS decision to include full coverage for contraception services and counseling as preventive services is the result of sound judgment about what is good for all society. Allowing certain faith-based organizations to avoid this statute is, in fact, promoting the private interests of one religion—or even on