



Dear Secretary Sebelius:

I write in regard to the August 3, 2011 amendment to the regulations entitled *Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventative Services Under the Patient Protection and Affordable Care Act (File Code CMS-9992-IFC2)*.

It is my understanding that your office is now accepting comments on the regulations. It is also my understanding that the regulations require all health plans to cover preventative care for women that includes contraceptives, including emergency contraceptives.

John Brown University concurs with the legal concerns raised by Council for Christian Colleges and Universities and conveyed to your office under separate cover from Dr. Paul Corts. Our desire would be that the regulations leave it to the sponsoring organization to determine the scope and kind of contraceptive services covered in their group health plans. We feel that this would be the best way to serve diverse perspectives on a sensitive topic, and would respect the financial interest of the sponsoring organization who underwrites much of the cost of covered services.

As a Christian institution of higher education, John Brown University holds an interdenominational doctrinal position. We provide a Christ-centered education that prepares people to honor God and serve others by developing their intellectual, spiritual, and professional lives.

It is from this perspective that I share two specific concerns regarding the above referenced regulations.

First, an organization such as ours, with sincerely held and practiced religious values, may not be able to meet the current definition of a religious exemption. And yet, we would want the opportunity to take exception to the required services based upon our religious convictions. To qualify for the exemption, the organization must, in part, primarily serve persons who share its religious tenets. Like many other faith-based institutions of higher education, we require an affirmation of our *Articles of Faith* as a condition of employment. However, there is no like requirement for the students who attend our educational programs. We wish to serve all students who would benefit from our educational programs.

As the religious exemption is currently defined, it leaves the Department in the unenviable position of interpreting the relative religiosity and proportionality of persons served. We feel strongly that it would be best to remove the requirement that the organization primarily serve persons who share its religious tenets, and thus recognize that an organization with sincerely held religious beliefs may serve persons who hold diverse points of view.

Secondly, even if the definition of religious were re-worked to be less problematic, it would only exempt the health care plan offered to our employees. Many students attending our school are likely to take strong, religiously-based, exception to the regulation requiring contraceptive services for all women. Yet, they would not be able to claim an exemption in the context of an individually purchased health plan. For this reason, we respectfully request an expansion of the exemption to cover health insurance issuers in the individual health insurance market.

Respectfully,

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