

FLORIDA CATHOLIC CONFERENCE

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September 26, 2011

The Honorable Kathleen Sebelius, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Re: Religious Employer Exception Relating to Mandatory Coverage of Preventive Services/File Code CMS-9992-IFC2

Dear Secretary Sebelius:

As the Catholic bishops of Florida, we write to express our strong opposition to the Department of Health and Human Services (HHS) proposed rule mandating coverage of contraceptives and sterilization, as well as required counseling on their use.

Concern re: Contraception/Sterilization

Our teaching and beliefs about human sexuality recognize human reproductive capacity as a great gift to be integrated and exercised responsibly – not as a disease to be prevented. Indeed, we view *infertility* as a condition to be treated; not fertility itself. As such, we strongly oppose mandatory coverage of contraception and sterilization.

Issue with ella: Incorporating an Abortifacient

By requiring coverage of “all Food and Drug Administration approved contraceptive methods, sterilization procedures and patient education and counseling for all women of reproductive capacity,” the rule incorporates coverage of *ella* (ulipristal acetate), a drug in the mifepristone family, that according to its own labeling is contraindicated for pregnant women. This prompts concern that not only does the rule cover contraception and sterilization, but abortifacient drugs as well.

Promoting the Common Good

There is a saying in our apostolates, that “we serve them because we are Catholic; not because they are.” This draws from our social teaching that encourages action – compelled by faith in and experience with a loving God – for the well-being of all, to promote the “common good.” Indeed, Catholic agencies not only serve the broader community, but employ people from outside our faith tradition, who willingly share in advancing our mission.

Conscience Dilemma Introduced by Rule

As we shared in the debate over the Affordable Care Act, we support making health care accessible to everyone, including employees of our own Catholic ministries. However, we are confronted with a tremendous dilemma if we should be required to cover so-called “services” that directly contradict our moral teachings.

Jeopardizing Commitments –Urging Rescission; Minimally Respect Conscience

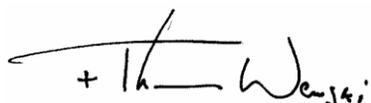
While the proposed rule contains a conscience exception, it is far too narrow to apply to most Catholic social service, health care and educational institutions. By requiring that an entity serve primarily members of its own religious community, employ members of its own community, and serve to inculcate the values and beliefs of that community to qualify for the exemption, the rule directly infringes upon our ministries’ freedom to serve in our pluralistic society. We would not be able to continue serving without compromising our integrity. We would be faced with violating our moral teachings, or our social teachings in these ministries.

It is noteworthy that the unfair intrusion that will result from this HHS’ rule would violate the President’s executive order and his commitment to respect conscience rights through the Affordable Care Act. Moreover, the proposed religious employer definition is inconsistent with current federal law and raises serious constitutional questions.

In the strongest sense, we urge rescission of the mandate to cover contraception and sterilization in these health plans. Barring such action, conscience protection to individuals and institutions must be expanded to continue the longstanding federal policy of respect for conscience rights in healthcare which has served our nation well for decades.

Thank you for your consideration of these comments on this important matter.

Respectfully,



Most Reverend Thomas G. Wenski
Archbishop of Archdiocese of Miami



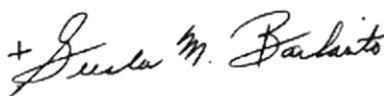
Most Reverend Robert N. Lynch
Bishop of Diocese of St. Petersburg



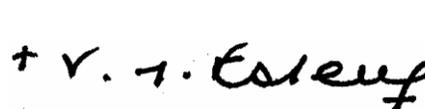
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