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Dear Senator

The Alliance of Pennsylvania Councils submits the following comments regarding Senate Bill 1255, the Conscientious Objection Act.

The Alliance is comprised of four regional, not-for-profit organizations – Adagio Health, Inc., (Pittsburgh), Family Health Council of Central Pennsylvania, Inc. (Camp Hill); Family Planning Council, Inc., (Philadelphia); and Maternal and Family Health Services, Inc., (Wilkes-Barre). Together, the four agencies both operate and oversee a network of 235 health care organizations, including the state's top teaching hospitals, community health centers, universities and free-standing health centers., and provide a range of health care services to more than 300,000 women, men and families yearly.

As the Title X family planning grantees in Pennsylvania the four family planning councils serve a low-income and uninsured population, providing those in need with a full range of high quality, comprehensive family planning and reproductive health care services, including gynecological care; breast and cervical cancer screening; STD testing and treatment; adoption referrals; HIV/AIDS prevention, testing and referral; community and parent education; and all FDA-approved methods of contraception.

SB 1255 purports "to respect and protect the fundamental right of conscience of individuals who and institutions which provide health care services." However, in any health care setting there must be a balance between a patient's right to necessary and appropriate medical care; a health care provider's legal, moral and ethical responsibilities to provide necessary and appropriate patient care; and the personal, moral, ethical, and religious views of the provider. By focusing exclusively on the personal moral, ethical and religious beliefs of the provider, the Senate measure unconscionably places one set of interests above another, upsetting a careful and necessary balance.

In so doing, the measure invites health care professionals to violate their legal and ethical duty to provide the complete, accurate, and unbiased information necessary to obtain informed consent. The failure of health care professionals to provide such information threatens patient autonomy and the ability to make informed health care decisions, decisions that may be life-altering.

Senate Bill 1255 also includes language that is broad and confusing. By including in the definition of health care provider, “any individual who may be asked or assigned to participate in any way in a health care service,” it extends a blanket right of refusal to an unprecedented range of employees, who may be only tangentially related, at best, to the provision of the service, or to any phase of what the act considers providing the service, including counseling, referral, research, and instruction.

Strikingly, the measure makes no mention of either Title VII or EEOC’s guidance. It provides no guidance about how, if at all, health care employers are permitted to consider patients’ needs when faced with an employee’s refusal to provide services. For example, the measure provides no guidance on whether it is impermissible for a Title X family planning center that serves primarily women seeking contraceptive services not to hire a nurse because he/she refuses to provide those same services.

Title VII currently ensures a constitutionally sound approach to the accommodation of religious practices for health care employees. However, Title VII recognizes that there are some cases in which an employer may be excused from providing a religious accommodation, where doing so would impose an undue hardship on the employer in light of the needs of the people the employer must serve.

In rural areas of our state, for example, there may be only one family planning provider employing a single clinician. In such a case, should the clinician be unwilling to provide contraceptive information or care, an employer may be excused from providing the accommodation if it would pose an undue burden. Thus, this law provides protection for individual belief while still ensuring patients’ access to health care services.

Similarly, in SB 1255, the definition of what constitutes a health care service is all-encompassing, applying not only to a lengthy array of services, but to “any phase of patient medical care” involved in the list of services. As applied to our Title X recipients, the proposed legislation could drastically limit access to basic health care for low-income and uninsured patients.

The bill is also silent on emergencies. It is possible that a sexual assault victim needing emergency contraception could be denied that medication because of a mistaken belief on the part of a provider or other individual involved in the service that it causes abortion.

We are deeply concerned that this unnecessary and overreaching measure undermines access to health care for thousands in our state. Furthermore, given the current economic turmoil and the threatened loss of jobs and health care insurance, many more could join the ranks of the uninsured and need these vital services. We believe our legislators should be working to *increase* access to these crucial health care services, rather than working to limit them.

We thank you for your consideration of these comments and urge that this deeply flawed bill be withdrawn.

Sincerely,

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