

# PENNSYLVANIA CATHOLIC CONFERENCE

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March 25, 2013

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Room 445-G  
Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, DC 20201

RE: Notice of Proposed Rulemaking on Preventive Services  
File Code No. CMS-9968-P

Ladies and Gentlemen:

On behalf of the Pennsylvania Catholic Conference (PCC), the public policy agency of the Catholic Church in Pennsylvania, I respectfully submit comments concerning the Notice of Proposed Rulemaking (“NPRM”) on preventive services. 78 Fed. Reg 8456 (February 6, 2013).

In May 2012 and in September 2011, PCC had submitted comments concerning preventive services. The NPRM does not remove from the list of mandated preventive services contraceptives, abortifacient drugs, sterilization procedures and counseling to women about those matters (even to minors). It is submitted that the objections of PCC and many others have been ignored in the NPRM. In addition, the rule continues to characterize all religious ministries as unworthy of a narrow religious employer exemption created by the government.

The earlier comments of PCC are equally as applicable to the NPRM.<sup>1</sup>

The NPRM does nothing to change what the government has mandated, namely, that the employees of religious employers/ministries which are insufficiently religious in the view of the government will be required to receive coverage for services with no way to opt-out. The NPRM affords religious ministries and their employees no real relief.

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<sup>1</sup> The May 2012 and September 2011 comments are available by clicking on the date links and are incorporated herein by reference as if fully set forth.

The rule does make clear that the federal government has decided to:

- exclude from a religious exemption many, many employers which are without question religious in character and practice and require religious ministries which provide health care for their employees to be tied to a government created scheme which facilitates access to services that are contrary to religious beliefs of the ministries;

PCC once again expresses grave concern that religious liberty is endangered.

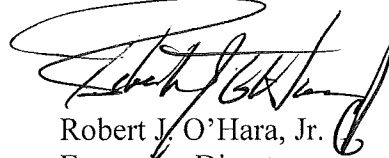
## CONCLUSION

The Office of the General Counsel of the United States Conference of Catholic Bishops, in submitting comments about the NPRM, aptly has noted "...the mandate violates the First Amendment, the Religious Freedom Restoration Act and the Administrative Procedure Act."

Recently, Archbishop Charles J. Chaput, O.F.M. Cap., the Archbishop of Philadelphia in remarks (which he characterized as his own) before the United States Commission on Civil Rights on March 22, 2013, noted that "... [there is] a pattern of government coercion ... [which] includes the... administration's HHS mandate, which violates the religious identity of many religiously affiliated or inspired public ministries ..."

PCC urges that employers, charitable, health care and educational facilities, insurers and individuals with religious or moral objections be excluded from the mandate. The assault on religion mounted by this mandate is staggering. It is time for the mandate to be amended to shed the bias against the very ministries created to advance Christ's gospel values. Finally, PCC urges removal of the inclusion of prescription contraception including abortifacients, surgical sterilization and counseling from the list of preventive services.<sup>2</sup>

Very truly yours,



Robert J. O'Hara, Jr.  
Executive Director

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<sup>2</sup> PCC, on behalf of the Pennsylvania Catholic Bishops, without reservation endorses the comments about the Notice of Proposed Rulemaking submitted by the Office of the General Counsel, United States Conference of Catholic Bishops on March 20, 2013.