



PENNSYLVANIA  
CATHOLIC  
CONFERENCE

Submitted Electronically

May 25, 2012

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: Advance Notice of Proposed Rulemaking on Preventive Services  
File Code No. CMS-9968-ANPRM

Ladies and Gentlemen:

On behalf of the Pennsylvania Catholic Conference (PCC), the public affairs arm of the Catholic Church in Pennsylvania, I respectfully submit comments concerning the Advance Notice of Proposed Rulemaking (“ANPRM”) on preventive services. 77 Fed. Reg 16501 (March 21, 2012).

In September, 2011, PCC submitted comments concerning Interim Rules on Preventive Services. The ANPRM does not remove contraceptive services from the list of mandated preventive services and now that the mandate is a final rule, it is apparent that the objections of PCC and others have been ignored.

In addition, the final rule does not change the narrow religious employer exemption.

As to both points above, the earlier comments of PCC are equally applicable to the final rule.<sup>1</sup>

The ANPRM does nothing to change what the government has mandated, namely, that religious employers/ministries which are insufficiently religious in the view of the government will be required to provide coverage for services to which those employers/ministries object. The ANPRM affords religious ministries no relief. At best, there may be a future accommodation but that wholly speculative “relief” does not change the fact that the Administration has embarked on a course which undermines the very foundations of freedom of religion upon which this nation was constructed.

What the final rule does and what the ANPRM does not change is that the federal government has taken it upon itself to:

- require religious ministries to provide, pay for, or facilitate access to services that are contrary to religious beliefs;
- compel religious ministries to assure that “patient education and counseling for all women with reproductive capacity” is provided and, in so doing forces such ministries to, at least, facilitate speech for services which are contrary to religious beliefs;

- force religious ministries to submit to a government inquest concerning the purpose and beliefs of the ministries;
- force religious ministries seeking to secure exempt status to limit the charitable, medical and educational missions they pursue with consequential losses of services to communities so faithfully served for decades, if not centuries.

Since there is now in place a final rule which cements the Administration's position about preventive services and religious ministries and since the ANPRM is nothing more than a possible "accommodation" which effectively will continue to burden religious ministries, PCC once again expresses grave concern that religious liberty is endangered.

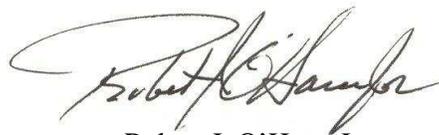
## CONCLUSION

The Office of the General Counsel of the United States Conference of Catholic Bishops in submitting comments about the ANPRM aptly noted "...the mandate itself is unjust and unlawful, and it is subject to an unjustly narrow and unlawfully intrusive exemption. ...[These circumstances] are enshrined in a final rule and unaffected by the ...ANPRM."

The speculative, future "accommodation" of the ANPRM coupled with the temporary "safe harbor" adopted by the United States Department of Health and Human Services, which gives non-profit religious employers until August 1, 2013 to comply, only serve to give religious ministries, as noted by Cardinal Timothy Dolan of the Archdiocese of New York, in commenting about the safe harbor, "a year to figure out how to violate [their] consciences." And the violation would occur upon the demand of the government.

PCC urges that employers, charitable, health care and educational facilities, insurers and individuals with religious or moral objections are excluded from the mandate. Further, 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

cc: Pennsylvania Bishops  
PCC Administrative Board  
Richard E. Connell, Esq., PCC Legal Counsel  
Sister Clare Christi Schiefer, OSF, President, PA Catholic Health Association

<sup>1</sup> The September 13, 2011 comments are available at <http://www.pacatholic.org/wp-content/uploads/PCC-HHS-Comments-9-13-2011.pdf> and are incorporated herein by reference as if fully set forth.

<sup>2</sup> PCC, on behalf of the Pennsylvania Bishops, endorses the comments about the Advance Notice of Proposed Rulemaking submitted by the Office of the General Counsel, United States Conference of Catholic Bishops on May 15, 2012. See <http://www.usccb.org/news/2012/12-084.cfm>.