



## Pennsylvania Catholic Health Association

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Sister Clare Christi Schiefer, OSF  
President

### 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 Preventative Services  
File Code No. CMS-9968-ANPRM

Dear Ladies and Gentlemen:

On behalf of the Pennsylvania Catholic Health Association (PCHA), a ministry of the Catholic Church in Pennsylvania, I respectfully submit comments concerning the Advance Notice of Proposed Rulemaking ("ANPRM") on preventative services. 77 Fed. Reg 16501 (March 21, 2012).

The Pennsylvania Catholic Health Association (PCHA) is a statewide organization comprised of Catholic health care facilities, groups and individuals. It promotes the Catholic health care ministry in Pennsylvania and supports this ministry through Gospel witness in advocacy and united action. PCHA advocates for the sanctity of life and for justice in health care. Its advocacy especially recognizes the needs of the elderly, children, the poor and the underserved. Among its leadership and advocacy efforts, PCHA acts to protect the integrity and conscience of Catholic health care providers, Catholic employers and others as their interests are guided by the ethical and moral teachings of the Church.

Included in PCHA's membership are 13 hospitals, 35 long term care facilities and numerous health care systems and other related health care entities.

On September 13, 2011, PCHA submitted comments concerning Interim Rules on Preventative Services. The ANPRM does not remove contraceptive services from the list of mandated preventative services, and now that the mandate is a final rule it is apparent the objections of PCHA and others have been disregarded.

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

With respect to both of the points above, PCHA's earlier comments are equally as applicable to the final rule.<sup>1</sup>

Further, the ANPRM does nothing to change what the government has mandated, namely, that religious employers/ministries which are not sufficiently religious **in the government's view**, will be required to provide coverage for services to which those employers/ministries object. The ANPRM continues to narrowly define what is a religious ministry. At best, there **may** be a future adjustment. But that completely 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:

- 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 education missions they pursue with consequential losses of health care services to communities so faithfully served for decades, if not centuries;
- 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.

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

In conclusion, the Office of the General Counsel of the United States Conference of Catholic Bishops, in submitting comments about the ANPRM, appropriately 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**.

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

PCHA urges that employers, charitable, health care and educational facilities, insurers and individuals with religious or moral objections are excluded from the mandate. Further, PCHA urges removal of prescription contraception including abortifacients, surgical sterilization and counseling from the list of preventative services.<sup>2</sup>

Thank you for your attention.

Sincerely,

*Sister Clare Christi Schiefer, OSF*

Sister Clare Christi Schiefer, OSF  
President

SCC/kmm

cc: Pennsylvania Bishops  
PCC Administrative Board  
PCHA Members  
PCHA Board of Directors  
Richard E. Connell, Esq., PCHA Legal Counsel  
Dr. Robert J. O'Hara, Jr., Executive Director, PA Catholic Conference

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<sup>2</sup> PCHA on behalf of the Pennsylvania Bishop's, 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>.