

HEALTH CARE “RIGHTS OF CONSCIENCE” DESERVE PROTECTION

By Ron Johnson

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Over the past several decades, there has been much success in the United States in protecting and promoting the civil rights of its people. Nonetheless, while all forms of discrimination continue to exist and are deplorable, religious discrimination against people and institutions of faith is on the rise. Even many people who consider themselves to be tolerant and respectful of civil rights find it completely acceptable to force people of faith to violate their conscience and core beliefs.

The tremendous pressure placed on health care professionals to dismiss their conscience when it comes to matters such as abortion or morning after pills is growing ever more intense. These individuals often find themselves in a position where they are afraid to voice their concerns for fear of discipline. Consequently, many of the most compassionate health care providers are being pressured to leave their vocations.

Recognizing this acute situation, Pope John Paul II has stated “[t]he opportunity to refuse to take part in the consultation, preparation, and execution of these acts against life should be guaranteed to physicians, health care personnel, and directors of hospitals, clinics and convalescent facilities. Those who have recourse to conscientious objection must be protected not only from legal penalties but also from any negative effects on the legal, disciplinary, and financial plane.” (*Evangelium Vitae*, #74)

House Bill 2541 and Senate Bill 1485 are civil rights bills introduced this year by Rep. Doug Quelland and Sen. Dean Martin to protect these basic human rights as they pertain to the health care profession. In particular, these bills are designed to protect people of faith and religious institutions from being forced to participate in abortion, contraception, emergency contraception, or sterilization, if they have religious or moral objections that are stated in writing.

In past years, this legislation may not have been necessary, but recent attacks on health care providers have created an urgent need for legislative protection. Presently, health care professionals across the country are facing serious difficulties in matters of conscience. These difficulties are especially relevant to pharmacists who are now facing disciplinary actions for refusing to participate in the provision of medications known to act as abortifacients.

Without “rights of conscience” legislation, health care professionals and institutions may soon be legally forced to provide morning after pills (i.e. emergency contraception) on demand or over the counter. In fact, the top priority for leading “reproductive rights” advocates in Arizona during 2005 is to pass legislation requiring the forced participation of health care providers in this regard.

Arizona statutes currently provide limited conscience protection for hospitals as well as doctors and nurses that refuse to participate in abortions, with no legal requirement for referrals. While this statute has been helpful, it provides no civil rights protection for most pharmacists and it does not even cover objections by any health care professionals or institutions with regard to morning after pills.

HB 2541 and SB 1485 are important bills because they solve some of these aforementioned problems while not retreating from the current protections already provided by law. An integral part of HB 2541 and SB 1485, therefore, is that health care professionals cannot be forced to participate in any manner with respect to these activities, even in matters of referrals.

Critics of “rights of conscience” legislation are quick to point out that the ethical provisions of some voluntary health care associations could suggest that if one does not provide the care requested, other provisions should be made, such as a referral, to treat the health of the patient. While this notion of referrals may be a good idea the vast majority of the time, there are cases where a health care professional does not believe that they are furthering the health of the patient.

This fact is especially true when a health care provider may be asked to participate in what they believe to be the taking of an innocent human life through a form of abortion. For such a person, a referral can be viewed as severely damaging, not promoting, the health of a patient. To that end, many health care professionals are extremely disappointed that even their own trade associations are attempting to force their participation in morally objectionable matters through the making of referrals.

Perhaps not surprisingly, critics also continue to list a parade of horrors that will occur if we do not force health care professionals and institutions to violate their consciences. The truth of the matter, however, is that other states with more expansive “rights of conscience” have not encountered these alleged problems.

In today’s modern world, the accessibility of all the drugs and services mentioned in HB 2541 and SB 1485 are readily available to people anywhere in the state, not only at local pharmacies, but also by mail or even over the telephone. In other words, these arguments do not contain a legitimate justification to deny health care professionals their basic civil rights.

Indeed, it is perhaps ironic that many so-called “pro choice” advocates are eager to deny individuals and institutions in the health care community their own “choice” when it comes to exercising their expertise and conscience. Health care professionals such as doctors, nurses, and pharmacists are, after all, highly trained individuals who use a substantial amount of independent judgment in their daily work.

It is in society’s best interest that these professionals and the institutions they work for not be treated as mere robots that must be required to provide, or refer, for every procedure or drug demanded by a patient. These health care providers possess

inalienable civil rights that need to be respected along with their professional judgment. HB 2541 and SB 1485 provide these important protections and deserve to be passed into law.

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