

April 8, 2013

Submitted electronically at www.regulations.gov

Subject: Notice of Proposed Rule Making: Certain Preventive Services Under the Affordable Care Act, CMS-9968-P, Docket ID: CMS-2012-0031-63161

Dear Secretary Kathleen Sebelius,

We, the undersigned faith-based or faith-centered communities and organizations dedicated to promoting and protecting sexual and reproductive health and rights, applaud the Departments of Health and Human Services, Labor and the Treasury (herein after “the Departments”) for seeking regulations “to provide women contraceptive coverage without cost sharing” as stated in the current Notice of Proposed Rulemaking (NPRM) on “Certain Preventive Services Under the Affordable Care Act,” published in the Federal Register on February 6, 2013.

Our organizations and communities represent millions of people of faith, for whom ensuring access to these critical services is a moral imperative. We are encouraged by the expanded access to health care that will come with the preventive care requirement, but we urge you not to limit some women’s access to affordable healthcare at the same time it is expanded for other women.

We stand together in opposition to the proposed rules which “tak[e] into account religious objections to contraceptive services of eligible organizations.” We oppose the Departments’ decision to create an exemption for certain “religious employers” as it means the employees of these organizations are excluded from the benefit of full, no-cost coverage for all FDA-approved contraceptive services and counseling as guaranteed by the Affordable Care Act. We request that you completely eliminate the exemption for certain “religious employers.”

As people of faith, we are committed to women’s moral agency and religious liberty. The proposed exemption for certain “religious employers” would restrict these rights, excluding many women from preventive health services based on an erroneous idea of “conscience” protection. Decisions about healthcare, including contraception, should be made by women, according to their own faith tradition and moral beliefs. Access to the full range of those options should not be hindered by the beliefs of women’s employers.

In addition, we have concerns regarding the accommodation for certain “eligible organizations” that object to providing this coverage for religious reasons. We are troubled that the proposed accommodation for other eligible employers will not guarantee sufficiently timely, affordable and confidential contraceptive access for women who receive their insurance coverage through these organizations. We also question why, if this accommodation for religious organizations will indeed provide seamless access despite employers’ objections, workers at religious institutions are not afforded the same right.

We call on the Departments to structure the implementation of the “accommodation” so that it prioritizes individuals’ privacy, religious liberty and healthcare rights and to ensure that women – regardless of their employer – have access to the affordable and comprehensive contraceptive coverage they need, deserve and are guaranteed by law.

In addition to respecting women’s moral agency and safeguarding religious liberty for individuals, we are committed to social justice, equal rights to health care and the obligation to protect every woman’s health.

We believe that all women, regardless of income, should have access to medically accurate health education and services that help them stay healthy, prevent and treat HIV and other sexually transmitted diseases and avoid unintended pregnancy.

As currently proposed, the latest NPRM runs contrary to this ideal by leaving many employees at eligible organizations, including those working at certain hospitals, charities, schools and universities, questioning whether they indeed will be granted the benefit of affordable, accessible, timely and confidential contraceptive coverage that employees at secular organizations are guaranteed. Women should not have their access to healthcare treatment options restricted because of where they work or which university they attend.

Our organizations represent a variety of faith-centered viewpoints, traditions and histories. We do not always agree on some of the most critical issues of our time. When it comes to respecting true religious liberty for individuals, ensuring social justice and guaranteeing equal reproductive healthcare access for all, however, we stand together. We hope that you will not allow the most conservative elements of some of our traditions to run rampant over the beliefs, religious liberty and healthcare needs of the employees who work at eligible organizations.

In this spirit, we ask that you rescind the proposed exemption entirely and work to ensure any accommodation is structured to ensure that women – regardless of where they work – have access to the affordable and comprehensive contraceptive coverage the need, deserve and are guaranteed by law.

Ultimately, we implore the Departments to preserve that contraceptive access is “affordable, accessible, meaningful and stable” for every employee, as iterated in the previous Advance Notice of Proposed Rulemaking (ANPRM), and that religious liberty is indeed protected for all employees, regardless of their employer.

Respectfully,

Catholics for Choice
Concerned Clergy for Choice
CORPUS
DignityUSA
Indiana Coalition for Reproductive Justice
Jewish Women International
Kentucky Religious Coalition for Reproductive Choice
Methodist Federation for Social Action
Metropolitan Community Churches
National Coalition of American Nuns
National Council of Jewish Women
New Ways Ministry
Religious Coalition for Reproductive Choice
Religious Coalition for Reproductive Choice of Connecticut, Inc.
Religious Institute
Southeastern Pennsylvania Women's Ordination Conference
Unitarian Universalist Association of Congregations
Unitarian Universalist Women's Federation
Women's Alliance for Theology, Ethics and Ritual
Women's Ordination Conference
Women's League for Conservative Judaism