

Opening Statement of the Honorable Joseph R. Pitts
Energy and Commerce Subcommittee on Health
“Do New Health Law Mandates Threaten Conscience
Rights and Access to Care?”
November 2, 2011
(As Prepared for Delivery)

On August 3, 2011, the Department of Health and Human Services issued an interim final rule that would require nearly all private health plans to cover contraception and sterilization as part of their preventive services for women.

While the rule does include a religious exemption, many entities feel that it is inadequate and violates their conscience rights by forcing them to provide coverage for services for which they have a moral or ethical objection.

The religious employer exemption allowed under the preventive services rule -- at the discretion of the HRSA -- is very narrow.

And the definition offers no conscience protection to individuals, schools, hospitals, or charities that hire or serve people of all faiths in their communities. It is ironic that the proponents of the health care law talked about the need to expand access to services but the administration issues rules that could force providers to stop seeing patients because to do so could violate the core tenants of their religion.

I am also concerned about the process HHS used to issue the rule.

This interim final rule was promulgated before the proposed rulemaking and the formal comment period were conducted by HHS.

In issuing the rule, HHS acknowledged that it bypassed the normal rulemaking procedures in order to expedite the availability of preventive services to college students beginning the school year in August.

HHS argued that there would be a year's delay in the receipt of the new benefit if the public comment period delayed the issuance of HRSA guidance for over a month.

I believe that on such a sensitive issue there should have been a formal comment period, so that all sides could weigh in on the issue, and HHS could benefit from a variety of views.

When the health care law was being debated last Congress, the proponents adamantly refuted claims that this would be a federal government takeover of our health care system. Now, we have the federal Department of Health and Human Services forcing every single person in this country to pay for services that they may morally oppose. Groups who have for centuries cared for the sick and poor will now be forced to violate their religious beliefs if they want to continue to serve their communities. Whether one supports or opposes the health care law, we should universally support the notion that the federal government should be prohibited from taking coercive actions to force people to abandon their religious principles.

I look forward to hearing from our witnesses and thank them for being here today.

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