

Catholic faculty back contraceptive insurance rule

Jerry Filteau | Mar. 13, 2012

Faculty members of Jesuit-run John Carroll University in Cleveland have urged U.S. Catholic church acceptance of the Obama administration's contraceptive insurance regulation as adapted Feb. 10.

The federal Health and Human Services regulation mandates that nearly all employee health insurance plans cover artificial contraception and voluntary sterilization services, including plans for employees of many religiously run institutions, even if the sponsors of those institutions are morally opposed to the use of those prescriptions or medical procedures.

The faculty letter is in sharp contrast to the stance of the U.S. bishops' conference, which has waged a high-profile campaign against the mandate, labeling it as a violation of First Amendment religious liberty rights.

In a letter Feb. 14 to university president Jesuit Fr. Robert Niehoff, 48 John Carroll faculty members said, "We are all troubled that the bishops have chosen a path of continued confrontation" over the latest version of the Health and Human Services regulation.

The signatories said they are all "committed to freedom of conscience and religious liberty," but they "also believe that access to contraception is central to the health and well-being of women and children."

"The American bishops have accused the Obama administration of attacking religious liberty in mandating insurance coverage of contraception," the faculty members wrote. "On the contrary, we believe the insurance mandate is driven by a concern for women's health."

The faculty members asked Niehoff and presidents of other Catholic universities to "urge the bishops to avoid the inflammatory rhetoric they have been using to attack the administration's policy ... [and] endorse a policy of insurance coverage of contraception that respects the religious liberties and health of all who teach and work at Catholic colleges and universities."

Belmont Abbey College, a small Catholic liberal arts college in Belmont, N.C., and Colorado Christian University, an interdenominational Christian liberal arts university near Denver, are challenging the HHS mandate in federal court. The Becket Fund for Religious Liberty, a nonprofit, public interest law firm based in Washington, is representing the schools. The Becket Fund has also filed a lawsuit against the mandate on behalf of the Eternal Word Television Network in Birmingham, Ala.

The U.S. bishops' conference supported bills in the U.S. House and Senate that would have nullified the contraception mandate, but both were defeated. Bishops' conference officials have said if a legislative solution failed, the conference would pursue the issue in court.

The original HHS ruling, issued Jan. 20 after a period of public commentary and consultation, was met with an outpouring of protests and objections from many who said the new regulation's exemption for religious institutions was too narrow and thus a violation of religious liberty.

Many Catholic and non-Catholic thinkers who expressly disagree with the church's official teaching on artificial birth control took up common cause with the bishops on the view that the regulation was a clear violation of religious liberty.

Candidates for the Republican presidential nomination upped the ante in interviews and campaign speeches across the country, calling Obama antireligious and taking the new regulation as another reason to overturn completely the Patient Protection and Affordable Care Act, Obama's 2010 health care reform initiative.

Many of those who opposed the Jan. 20 regulation accepted the Feb. 10 accommodation -- which shifted the cost of coverage for conscientiously objecting religiously related employers from the employer to the insurance company -- as a reasonable compromise that, in their opinion, restored protection of religious liberty while at the same time assuring cost-free contraceptive and other reproductive health care to nearly all U.S. women covered by employee health insurance plans.

In their letter to Niehoff, the John Carroll faculty members said a number of medical organizations support the argument that the purpose of the HHS regulation is to protect women's health.

"The American Congress of Obstetricians and Gynecologists, the American Academy of Family Physicians, the American Academy of Pediatrics, the Society of Adolescent Medicine, the American Medical Association and the American Public Health Association have all recommended family planning services as part of preventive health care regimens for women," they wrote.

The U.S. Catholic bishops rejected the Feb. 10 accommodation as still requiring religiously run Catholic schools, hospitals, social services and other agencies to support health care services to which they objected on moral/religious grounds.

They also noted that a number of religious employers, including a number of Catholic institutions, are self-insured -- meaning that they would still have to bear the costs directly as religious organizations in their capacity as the health insurers of their employees.

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