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Nashville Diocese, others file suit to stop HHS contraceptive mandate

by Catholic News Service

NASHVILLE, Tenn. -- The Diocese of Nashville and seven of the Catholic entities operating in middle Tennessee have filed suit in federal court to block implementation of a mandate by the U.S. Department of Health and Human Services requiring them to cover services they find morally objectionable.

The mandate, which went into effect Aug. 1 as part of the health care reform law, requires all employers to provide coverage in their health care plans for contraceptives, including some that can cause abortions, and sterilizations. The mandate has a limited religious exemption that would protect only Catholic institutions that seek to inculcate Catholic values and primarily employ and serve Catholics.

Catholic Charities of Tennessee, Father Ryan High School, Pope John Paul II High School, Mary Queen of Angels assisted living facility, Villa Maria Manor and St. Mary Villa Child Development Center, along with Aquinas College, which is owned and operated by the Dominican Sisters of St. Cecilia Congregation, are all independently incorporated under Tennessee law.

There was broad support within each of their boards of directors for filing the suits, which are similar to more than a dozen others filed around the country in late May and August.

In a letter to the people of the diocese, Nashville Bishop David R. Choby said the U.S. Conference of Catholic Bishops had engaged "the president and congressional leaders in Washington in a conversation which expressed our concerns and convictions. ... Basically we were rebuffed."

"We believe that our Constitution and form of government expresses the right to religious freedom. Such a right is much deeper and of greater consequence than freedom to worship," Choby said.

"We believe that the application of some provisions of the Affordable Health Care Act attack this right," he added. "In seeking to force the church to act or make provision to act against her moral principles, the government is asserting its interest over those appropriate and proper to the church; and it is not competent to make such decisions or render judgments relative to moral principles long held and taught by any church, Catholic or otherwise."

Choby's letter reiterated the bishops' long-held position that reform of the U.S. health care system is needed. "But we must begin with the recognition of the fundamental dignity of every person. That fundamental dignity includes the value of religious freedom," he wrote.

"It is particularly important for us to file this action at this time because the insurance plan covering Mary Queen of Angels, Villa Maria Manor and St. Mary Villa were up for renewal on August," said Rick Musacchio, Nashville's diocesan director of communications.

"Because of the mandates enacted by the Department of Health and Human Services," he said, "they have been unable to establish broad health insurance coverage for their employees consistent with Catholic beliefs. Currently, they have to include services that are morally objectionable."

The three corporations are among the first in the nation to renew health insurance plans since the mandate issued by the Obama administration went into effect. The other entities will face the same issue as their plans come up for renewal and as the current law takes full effect over the course of the next year and the insurance carrier says they must include the coverage under the health care reform law.

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Mary Queen of Angels, St. Mary Villa, and Villa Maria Manor, who share the same plan, discovered in November 2011 that their health benefits plan coverage had mistakenly included coverage for oral contraception, according to the *Tennessee Register*, Nashville's diocesan newspaper.

They immediately undertook efforts to remove the objectionable services from their plan, but were unsuccessful, so the plan was not eligible for the one-year "temporary enforcement safe harbor" from the U.S. government mandate when it was renewed Aug. 1.

Their insurer, Blue Cross/Blue Shield of Tennessee, informed the organizations that it was unable to exclude coverage for oral contraceptives from the plan because of the requirements of the U.S. government mandate.

Forty-three Catholic dioceses, schools, hospitals, social service agencies and other institutions initially filed suit in federal court May 21 to stop the mandate. Other colleges and groups have filed suits since. The Diocese of Peoria, Ill., and Catholic Charities of Chicago later joined the lawsuits.

Nashville has now joined with those suits, because of the recent impact upon Catholic corporations in the diocese, Musacchio said.

"It is not about whether people have a right to abortion-inducing drugs, sterilization and contraception. Those services are and will continue to be freely available in the United States, and nothing prevents the government itself from making them more widely available," the suit says.

"But the right to such services does not authorize the government to force the plaintiffs to violate their

own consciences by making them provide, pay for, and/or facilitate those services to others, contrary to their sincerely held religious beliefs," it says.

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