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September 27, 2011

The Honorable Kathleen Sebelius
Secretary of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Sebelius:

We ask that you rescind the U.S. Department of Health and Human Services (HHS) recent adoption of a recommendation by the Institute of Medicine (IOM) mandating that health insurers provide coverage for all FDA-approved contraceptives.

This mandate, part of the implementation of the Patient Protection and Affordable Care Act (PPACA), raises serious concerns regarding the religious liberties guaranteed by the U.S. Constitution and rights of conscience. Under the mandate, health insurance companies would be required to cover contraceptives commonly known as "emergency contraception," which includes the highly controversial drug ulipristal acetate (ella). Classified as emergency contraception by the FDA, ella shares the relevant chemical properties of the abortion drug mifepristone (RU-486), which is known to cause serious adverse health risks such as severe bleeding, ruptured tubal pregnancies, serious infections, and even death. Additionally, ella has also been found to be embryotoxic in animal studies, functioning as a progesterone receptor blocker, which can prevent a newly conceived human being, post-fertilization, from implanting in the uterine lining.

While the regulation you promulgated does contain a “religious employer” exemption, this exemption is extremely narrow and covers only religious employers whose purpose is to “inculcate religious values” and who hire and serve primarily members of the same faith. This would exclude a vast number of institutions, including Catholic hospitals, which are motivated by their faith to provide care and services to others regardless of their religious affiliation. The contraceptive mandate will force these employers either to provide health insurance coverage that is inimical to the religious tenets on which these institutions are founded; to stop providing coverage to their employees; or, in some cases, to close their doors and thus likely shift the costs of their patients’ and clients’ care to the federal government.

Catholic and other faith-based hospitals and social service agencies provide extensive services to the poor, including women whom the contraceptive mandate is intended to assist. Hindering these institutions in carrying out their mission can only serve as a detriment to the many people who rely on the services these institutions provide. Forcing providers to comply with the contraceptive mandate reduces rather than increases access to healthcare.

For these reasons, you would best serve your obligation to act in Americans’ best interests by rescinding the contraceptive mandate.

Sincerely,



Mike Kelly
MEMBER OF CONGRESS