

March 3, 2023

Melanie Fontes Rainer
Director, Office for Civil Rights
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W., Room 515F
Washington, DC 20201

***Re: Safeguarding the Rights of Conscience as Protected by Federal Statutes; 88
Fed. Reg. 820 (RIN 0945-AA18) (January 5, 2023)***

Dear Director Fontes Rainer:

On behalf of our nearly 5,000 member hospitals, health systems and other health care organizations, our clinical partners – including more than 270,000 affiliated physicians, 2 million nurses and other caregivers – and the 43,000 health care leaders who belong to our professional membership groups, the American Hospital Association (AHA) appreciates the opportunity to comment on the Department of Health and Human Services' (HHS) proposed rule regarding statutory conscience protections.

The AHA shares HHS Secretary Becerra's [conviction](#) that "[n]o one should be discriminated against because of their religious or moral beliefs, especially when they are seeking or providing care." Our member hospitals and health systems are committed to respecting the conscience objections of hospital employees and medical staff. Conscience protections for health care professionals are longstanding and deeply rooted in our health care delivery system. For decades, the AHA and its members have supported policies to accommodate the differing convictions of our employees and medical staff by making provisions for them to decline to participate in delivering services they say they cannot perform in good conscience. Indeed, hospitals have vast experience in meeting their responsibilities under federal and state law to provide reasonable accommodations.

At the same time, hospitals and health systems have obligations to their patients and are committed to providing the care they need. Existing laws create protections for patients and impose certain obligations on providers to ensure that patients have access to necessary care. Hospitals and health systems value every person they have



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the opportunity to serve, and oppose discrimination against patients based on race, religion, national origin, sexual orientation, gender identity and other characteristics.

In 2018, the AHA offered a [series of recommendations](#) in connection with HHS' rulemaking that year. The proposed rule effectively incorporates those recommendations. In particular, if adopted, the rule would reduce regulatory burdens on hospitals, including especially onerous reporting requirements. More important, the proposed rule would respect hospitals' time-tested methods of honoring their responsibilities to ensure access to necessary care for all patients, while protecting the religious and other conscience rights of employees and medical staff. **The proposed rule balances these important principles, and the AHA encourages the agency to finalize it as written.**

We appreciate your consideration. Please contact me if you have any questions.

Sincerely,

/s/

Melinda Reid Hatton
General Counsel and Secretary