

# You Think You Have a Right to a Conscience, Think Again...

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by Hannah Carter, Director of Education GRTL

On March 6, President Obama's administration moved to rescind the conscience clause protections President George W. Bush put in place before leaving office to ensure that medical staff and centers would not be forced to do abortions. The Obama Administration claims that the conscience clause brings the potential for "ambiguity and confusion" and thus need to be revoked. However, the Bush regulation clarifies the law for the first time and assigns enforcement with the Department of Health and Human Services where healthcare workers can bring their complaints.

Rescinding these laws would not allow for more clarity, but rather the opposite.

Georgia Right to Life believes that every health care professional should have the right to conscientiously object to participation in abortion or abortion related services. President Obama has stated that we want to work on both sides of the issue to reduce the number of abortions by preventing unwanted pregnancy and providing resources for women who want to keep the baby. Yet, the question remains how is rescinding this law working to meet that goal?

As President Obama is still pushing ahead with provisions to repeal the federal conscience clause protections, the state courts are singing a different tune.

## The Courts are Singing a Different Tune.....

On May 20, 2009, Louisiana nurse of over 23 years Toni Lemly won her battle at the state Supreme Court. In 2005, Lemly informed the hospital where she worked that she objected to giving out the morning after pill because of her religious beliefs. In response, St. Tammany Parish Hospital fired Lemly from her full-time position and reduced her to part-time status working only three days a week which led to her losing a significant amount of pay as well as her medical benefits. The hospital declined several recommendations by Lemly that would have enabled the facility to continue administering the pill while allowing her to abstain from dispensing it herself. (Source: <http://www.lifenews.com/state4165.html> )

On April 3, 2009, the Circuit Court in Springfield, Illinois issued a Temporary Restraining Order (TMO) against the Governor of Illinois and other state officials, ordering them not to enforce a 2005 administrative regulation that required all pharmacies to dispense Plan B and other forms of abortion producing drugs. Judge John Belz found the regulation to pose a real threat of irreplaceable harm to pharmacists (Luke VanderBleek and Glenn Kosirog, amongst others) with religious objections to selling such drugs and was a violation of the Illinois Health Care Right of Conscience Act. Another hearing is taking place this month (June 2009) to request a permanent injunction. (Source: <http://www.aclj.org/News/Read.aspx?ID=3256>)

# There is Hope...

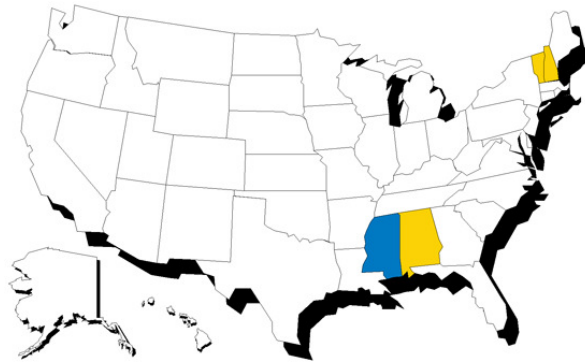
These cases are just a few of the successes that have been taking place in the courts in terms of protecting conscience rights of medical professionals. The American Center for Law and Justice (ACLJ) reports having several successes in the states when it comes to protecting medical professionals freedoms. Since 2005 in Illinois alone, in *Menges v. Blagojevich*, *Vandersand v. Walmart* and *Quayle, et al v. Walgreens*, and the most recent case listed above

*Morr-Fitz et al. v. Blagojevich, et al.*, the rights of healthcare workers have been strengthened. Over 46 states have laws on the books protecting health care professionals from participating in certain procedures (i.e. abortion). 9 states have laws protecting pharmacists and pharmacies. While the laws differ state by state, these cases show the apparent need for healthcare professionals to know the laws in their state and to report abuses.

"All the conscience laws in the world will only be effective if those whose rights are endangered are ready to fight attempts by government and private entities to ignore them," noted Fred Manion, ACLJ Senior Counsel. "We will continue to fight for pro-life health care workers to ensure that existing laws have the teeth in them needed to be effective." The call from the legal community is for the doctors, nurses, pharmacists, etc. in Georgia and other states to know their rights and to stand up for them.

The maps listed below shows which states have conscience protection laws and which one's do not. (Source: [www.aul.org](http://www.aul.org) )

## Rights of Conscience Overview Map

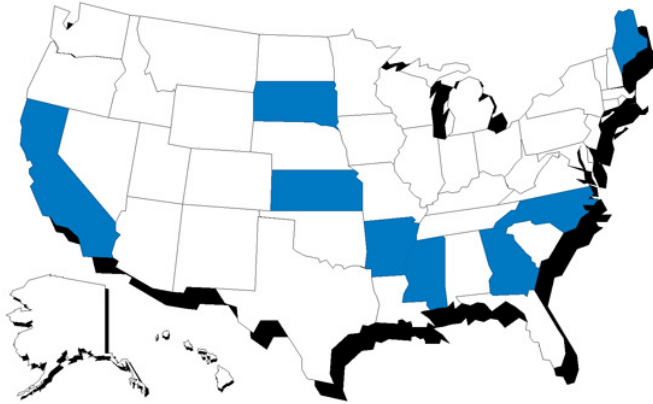


**Blue State** Only one state protects the civil rights of all healthcare providers, whether individuals, institutions, payers (public or private) who conscientiously object to participating in any healthcare procedure: MS

**White States** Forty six states protect the civil rights of only certain healthcare professionals and/or institutions from participating in specific procedures (usually abortion only): AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI, WV, and WY.

**Yellow State** Three states provide no protection for the civil rights of healthcare providers, institutions, or payers: AL, NH, and VT.

## Conscience Protection for Pharmacists Map



**Blue State** Eight states provide some specific protection for civil rights of pharmacists and pharmacies: AR, CA, GA, KS, ME, MS, NC, and SD.

## What Are Your Rights in Georgia?

- A person who objects in writing to participating in abortions and whose objections are based on moral or religious grounds may not be required to participate in any medical procedure that results from abortion.
- A hospital, medical facility, or physician is not required to admit a woman for the purpose of performing an abortion.
- The state provides some protection for the civil rights of pharmacists and pharmacies.

(Source: *Defending Life 2009: A State by State Legal Guide to Abortion, Bioethics, and the End of Life*. 2009)

## How Can You Act?

If you are a healthcare professional, know your rights. Inform others of their rights. Many medical students are not aware of their rights once they become doctors. Encourage your representatives to fight for the protections of healthcare professionals. Pray for wisdom and courage for the doctors, nurses, pharmacists, and other medical professionals who fight daily for the lives of others. Pray that if they are put in a situation that compromises their morals, they will not waver, but stand for life.

Pray for groups like the Alliance Defense Fund, the American Center for Law and Justice, and Life Defense Fund to have the right legal strategies to win these court battles and protect the rights of medical professionals. Write an editorial to your local newspaper, and then email it out to your friends explaining why you are against these policies being revoked.

Post a link to this article on MySpace, Facebook, Twitter, or any other social networking site to let others know what attacks are being waged against the medical community. Sign up to receive e-mail updates regarding the conscience clause protections and other pertinent life-centered information. Support the life-saving work of Georgia Right to Life as we work hard to educate you on the most current life issues. Your donations are greatly needed and appreciated.