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Family Planning Advocates Heralds Planned Parenthood's Lawsuit against Bush Administration's Midnight Regulation

Albany, N.Y. (January 15, 2009) – Family Planning Advocates of New York State (FPA) today heralded the Planned Parenthood Federation of America's (PPFA) legal action against the administrative regulation finalized in December by the U.S. Department of Health and Human Services (HHS) limiting the rights of patients to receive complete and accurate health information and services. PPFA filed suit in the U.S. District Court for the District of Connecticut seeking invalidation of the rule.

PPFA's complaint charges that the final regulation goes far beyond the intent of Congress when it enacted the laws in question. The regulation is in conflict with existing laws and regulations.

"Under this new rule, a patient can be denied care at any point during their health care experience," said M. Tracey Brooks, FPA president and CEO. "More importantly, patients can be denied information that would at least enable them to seek care elsewhere." Examples include:

- health care workers who oppose birth control could refuse to provide counseling to women and couples seeking family planning;
- health care providers who oppose childhood immunizations could refuse to inoculate a child or even provide information to parents about such vaccines;
- employees who oppose premarital sex could refuse to provide couples or individuals testing and treatment for sexually transmitted infections including HIV/AIDS;

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- a patient's health care proxy could be ignored if a health care provider disagrees with the patient's pre-determined directives; and
- health care workers in emergency rooms could deny sexual assault victims information about emergency contraception that would prevent an unintended pregnancy.

"This rule is likely to create total chaos in an already stressed health care system, particularly for low-income women and families whose options are already limited in this worsening economy," Brooks explained.

Also today, the Connecticut attorney general, joined by the attorneys general of California, Illinois, Massachusetts, New Jersey, Oregon, and Rhode Island, filed a separate but parallel legal action challenging the regulation. The National Family Planning and Reproductive Health Association, represented by the ACLU, filed a separate legal challenge to the Bush rule, as well.