



## **NEWS RELEASE**

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### **Family Planning Advocates applauds Obama Administration for proposing rule to rescind Bush's HHS midnight rule**

(Albany, N.Y., March 6, 2009) Family Planning Advocates of the New York State applauds the Obama administration for proposing a rule to rescind a Bush midnight regulation that undermines the country's ailing health care system as well as patients' access to health care information and services.

“This proposed rule is a clear indication that the Obama administration is committed to putting patients' care and women's health first. It is a commonsense fix to a devastating midnight regulation that jeopardized patients' access to services and information,” said M. Tracey Brooks, FPA president and CEO. “As was made clear at the White House Summit on Health Care yesterday, we should be working together to increase, not hinder, access to care. Patients deserve access to complete and accurate health care information and services, and today's action shows that this administration understands and will meet this need.”

Under the rule passed by the Bush Administration, any health care worker could refuse to participate in a procedure they find morally objectionable, or even offer information about these procedures to patients who may require them, without giving their employer notice of their objections. “Under the rule, a patient could have been denied care at any point during their health care experience,” said Brooks. “More importantly, patients could have been denied information that would at least enable them to seek care elsewhere. Examples include:

- health care workers who oppose birth control could have refused to provide counseling to women and couples seeking family planning; and
- health care providers who oppose childhood immunizations could have refused to inoculate a child or even provide information to parents about such vaccines.

The proposed rule, posted on the [Office of the Federal Register's website](#), reads in part, “The Department is proposing to rescind in its entirety the final rule entitled ‘Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law,’ published in the Federal Register on December 19, 2008 (73 FR 78072, 45 CFR Part 88).

The next step in the rule making process is allowing for public comment. Family Planning Advocates urges supporters to comment on the rule and show their support for this new rule. The public can post their comments via [www.PlannedParenthood.org](http://www.PlannedParenthood.org)

When the Bush administration proposed the rule, opposition was wide-ranging — from citizens, patients and consumers to federal and state elected officials, medical organizations, health care advocacy groups and religious organizations.

In addition, the legal counsel and two commissioners from the U.S. Equal Employment Opportunity Commission (EEOC) also submitted comments, explaining that the rule creates unnecessary confusion for the nearly 600,000 health care facilities it reaches.

In January, New York Attorney General Andrew Cuomo joined a lawsuit filed by Planned Parenthood Federation, the National Family Planning and Reproductive health Association and six other states challenging the Bush Administration’s HHS regulation issued in December 2008. “By joining this lawsuit, Attorney General Cuomo stood up for women’s health care in New York and across the country,” said Brooks. “Such harmful regulation undermines health care access and creates chaos in an already stressed health care system, particularly for low-income women and families whose options are already limited.”

“It’s important to note that rescission of the Bush regulations will not affect existing rules that protect health care providers’ religious and moral beliefs,” stressed Brooks. New York State has uniquely powerful laws preserving the balance between offering these services and protecting the rights of health care providers. The State’s civil rights law expressly allows providers to refuse to participate in procedures that go against their conscience or religious beliefs and make it unlawful for any employer to discriminate against a provider based on these beliefs.

Family Planning Advocates of New York State is a non-profit, statewide organization dedicated to protecting and expanding access to a full range of reproductive health care services. It represents New York’s Planned Parenthood affiliates and other family planning centers, as well as hundreds of organizations and thousands of individual members.