



NEW YORK STATE SENATOR

Liz Krueger

State Senator Liz Krueger Criticizes Bush Administration's Stealth Attack on Women's Rights to Reproductive Health Services

LIZ KRUEGER December 22, 2008

New York—State Senator Liz Krueger, a steadfast supporter of women's health issues, expressed her outrage towards the Bush administration and the U.S. Department of Health and Human Services for passing another midnight regulation that will have dramatically negative ramifications for the women of New York and our nation. The regulation is described as intending to protect the consciences of health care providers who do not wish to participate in abortion care, but the reality is that it will jeopardize women's access to reproductive health services, and New Yorkers' access to health care overall.

Senator Krueger stated, "As they are packing their bags to leave Washington the Bush Administration is, yet again, attacking women's rights to reproductive health services by enacting a regulation proposed by the U.S. Department of Health and Human Services that claims to 'protect the conscience of health care providers,' but in fact serve to undermine many of the fundamental rights to reproductive health access that women across this country have fought for and could have the additional impact of superseding laws in states like New York which have been trailblazers for women's rights."

Prior to being approved the regulation had also been vigorously opposed by health and advocacy groups across the entire country. There were vast reasons for opposition

including:

The regulation does not provide any assurances that it will not undermine existing laws in New York State which protect access to reproductive health care. New York State has been a leader in ensuring women's access to reproductive health care, and has enacted numerous statutes and regulations that protect both health care providers and patients.

The regulation explicitly permits health care providers to withhold basic information and counseling from their patients. Legal and ethical principles of informed consent require health care providers to inform patients about all treatment options, including those to which the provider objects or those which he or she does not provide. The rule does away with these essential safeguards.

The regulation will also upset the careful balance between the religious freedom of health care providers and the health care needs of patients. This will create confusion as to how health care institutions, including state-operated facilities, are to respond to objections of individual health care providers who refuse to perform core functions of their job, or who act in ways that could endanger patients. It also casts doubt on the State's continued authority to enforce provisions ensuring medical care for patients in need, such as professional misconduct laws prohibiting abandonment of a patient in need of care, and state laws requiring emergency treatment for patients at hospital emergency rooms.

The regulation contains numerous vague and undefined terms. This is problematic because enormous amounts of government funding are contingent upon compliance. This begs the question of how states like New York, or its institutions, are to comply, when the meaning of compliance is utterly uncertain.

" I am very disturbed that this regulation has been approved in the last minutes of an administration which has already spent years attempting to violate the fundamental rights

of women and their families," said Senator Krueger. "As a State Senator, I am responsible for enacting laws that promote the well-being of my constituents, and of residents of the state as a whole. At worst, these regulations could result in undermining State laws duly enacted through our democratic legislative process to serve those goals. At best, they would invite challenges that the state would be forced to spend time and resources defending—the threat of which would in itself undoubtedly compromise patient care. Unfortunately, with so much to deal with, President Elect Obama will have to spend a significant amount of time and resources just undoing the damage done in the last few weeks of the Bush Administration. What a shame!"