

September 28, 2011

BY ELECTRONIC SUBMISSION

Centers for Medicare & Medicaid Services
United States Department of Health and Human Services
Attention: CMS-9992-IFC2

Re: Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act

Dear Sir or Madam:

I respectfully oppose adoption of the interim rule that has been promulgated in this proceeding by the United States Department of Health and Human Services and other federal agencies. The interim rule requires private health plans to cover the costs of artificial contraceptives and sterilization. My objections to the interim rule are as follows.

First, the interim rule goes beyond the appropriate role of government by using governmental authority to promote controls on citizens' reproductive capacity. The interim rule does not mandate but affirmatively sanctions and facilitates the distribution of chemical and surgical means to block human reproduction. In addition, if the interim rule achieves its purpose of making controls on reproduction available without regard to income, then the interim rule will have the specific effect of limiting reproduction by people with low incomes. For governmental authority to be used in this manner and for this purpose gravely offends civil liberties and American principles of government.

Second, the interim rule violates the Department of Health and Human Services' statutory mandate to promote health. Artificial contraception and sterilization promote treatment of the human person and human relationships as means of sexual gratification without the associated development of intimate and lasting emotional bonds. Artificial contraception and sterilization thereby undermine the integrated emotional, social and physical health of the whole person. In assessing whether the interim rule meets the Department's mandate to promote health, it is not dispositive that delayed childbirth and smaller families might themselves be associated with benefits for women, such as decreased poverty and better educational and employment opportunities. A law that promotes artificial contraception and sterilization is not appropriately tailored to achieving those benefits – there are other ways to achieve those benefits, without the adverse effects of artificial contraception and sterilization and without governmental influence over reproductive decisions – such that the interim rule is invalid.

Third, the interim rule violates Constitutional principles of freedom of conscience and equal protection of the laws. The interim rule relies on the power of the state to establish an implicit, social doctrine in favor of artificial contraception and sterilization and to require individuals financially to support that doctrine as a condition of purchasing private health insurance. The interim rule thus impairs the free exercise of conscience by those who believe that artificial contraception and sterilization are morally misguided. The interim rule's exception for the insurance plans of certain religious organizations misses the mark; at stake is the free exercise of conscience by individuals throughout the economy.

Finally, in contrast to the interim rule, there are appropriate and effective means for the government to promote women's health. The government should facilitate economic growth and education to help young women (and young men) to make sound and hopeful decisions about their sexual activities and their futures and to help families achieve financial independence and stability.

For the foregoing reasons, I urge you to reject the interim rule with respect to its treatment of artificial contraception and sterilization.

Respectfully submitted,

Laura Wilson