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September 29, 2011

U.S. Department of Health and Human Services
P.O. Box 8010
Baltimore, Maryland 21244-8010

Re: Interim Final Rule on Preventive Services File Code CMS-9992-IFC2

Dear Sir or Madam:

The American College of Pediatricians objects to the U.S. Department of Health and Human Services mandate that contraceptives, emergency contraception, and sterilization be provided for all adolescents and women without cost. This mandate fundamentally violates the conscience and First Amendment rights of many individuals, institutions and health plans that seek to provide medical services in accord with their own beliefs, and prioritize medical treatments according to their own values. (The guidelines can be found at: www.hrsa.gov/womensguidelines/)

Religious institutions, individuals and health plans should be free to provide care according to their convictions. The mandate restricts the ability to regulate insurance reimbursement for services to the very narrow category of "religious employers," rather than acknowledging the basic right of all people to acquire health care in accordance with their beliefs. All physicians, clinics, hospitals and associations must retain the ability to provide and reimburse for services without coercion of this sort. And all individuals should have the right to receive medical care in a health system according to their own values and beliefs.

In addition to the issues of coercion inherent in such a mandate, the regulation requires coverage of FDA approved contraceptives that have clearly documented post-fertilization effects. The College believes that human life begins at fertilization. We are especially concerned that coverage of ullipristal (Ella), related to the abortifacient mifepristone, is included in this new regulation. Moreover, many physicians believe that other types of contraceptives may have post-fertilization effects and object to their mandated coverage.

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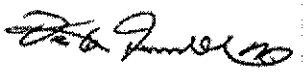
The American College of Pediatricians especially opposes HHS announcement of this regulation without the usual 60-day comment period. We recommend that these objectionable provisions be withdrawn from the "Guidelines for Women's Preventive Services" under the Affordable Care Act. We urge our representatives to support H.R. 1179 (and its Senate version, S.1467), The Respect for Rights of Conscience Act (which will provide comprehensive protection of conscience rights for individuals and institutions). We urge that physicians educate their patients about these violations of their fundamental rights.

Pregnancy is not a disease to be prevented and contraception should not be a mandated "preventive health service." Respect for conscience is foundational to a just society. At a minimum, a robust conscience protection should be granted, not only for all religious employers, but also for all employers, insurers, and policy issuers with moral, ethical, or religious objections. As it is, the limitations contained in the regulations for religious employers in the Contraception Mandate proposed by the HHS make the exemption virtually meaningless.

Sincerely,



Den Trumbull, MD, FCP
President