



September 29, 2011

Secretary Kathleen Sebelius  
Department of Health and Human Services  
Proposed Regulations, 45 CFR Part 147 RIN 0938-AQ07

Secretary Sebelius:

I am writing to you today as President of Point Loma Nazarene University, a faith-based higher education institution in San Diego, California, to express my concern regarding the recent amendment to the regulation "Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventative Services under the Patient Protection and Affordable Care Act." This regulation will require all health plans to cover preventative care for women that includes contraceptives, including emergency contraceptives (some of which are abortifacients).

I would like to respectfully request that the Department of Health and Human Services eliminate the mandate within the amendment that requires all health plans to cover preventative care for women. If the Department chooses to keep the mandate in place, I ask that the religious exemption within the amendment be expanded to include a wider scope of religious employers, so that religious organizations such as PLNU may qualify, and I ask that you expand the exemption to include all health care plans offered by religious organizations, including both employee and student plans.

The religious exemption created within this amendment will not exempt most faith based higher education institutions like PLNU, whom operate under a mission that is compatible with our faith. The above mentioned actions are necessary to protect the ability of PLNU to continue to operate within our "scope of conscience" as addressed in the Religious Freedom and Restoration Act of 1993 (RFRA). In addition, even if the exemption was expanded to include faith based higher education intuitions, it would only exempt the health care plans that we offer to employees, not plans offered to our students. To fulfill the mandate within this regulation, PLNU would be forced to provide contraceptive care, including emergency contraceptive care, through our student health care plans, which we view as a violation of the conscience rights of our institution, as well as our First Amendment right of free speech and expressive association.

Thank you for your consideration of this important issue. Please feel free to contact my office at (619) 849-2388 should you wish to discuss this further.

Positively,

Bob Brower, Ph.D.  
President