



September 18, 2008

MADIGAN OPPOSES FEDERAL REGULATION TO LIMIT ACCESS TO REPRODUCTIVE HEALTH CARE

Attorney General Urges Legislators to Oppose Change That Would Void State Laws Protecting Women

Attorney General Lisa Madigan submitted a comment letter to the U.S. Department of Health and Human Services (HHS) Secretary Michael O. Leavitt, opposing a proposed regulation that would overturn existing state protections and severely undercut women's access to reproductive health care services. Madigan urged Illinois state legislators to signal their opposition to the federal proposal, as well.

"This proposal would put politics above access to critical health care services," Madigan said. "At a time when so many Americans are struggling to find affordable health care and millions of women need access to family planning services, this proposal would severely limit women's ability to obtain needed reproductive health care."

If approved, the proposed HHS regulation would amend the federal refusal law by allowing each health care practitioner to broadly define abortion according to their personal beliefs. The regulation would permit these practitioners to opt out of providing reproductive care services, including access to many common forms of birth control such as intra-uterine devices (IUDs) or Plan B emergency contraception, if it conflicts with their personal beliefs.

Madigan said the proposal also changes the federal funding requirement and could jeopardize a medical facility's qualification for funding if the facility does not allow a practitioner to deny access to reproductive care. The proposal also conflicts with several Illinois laws that require insurers to cover approved contraceptive drugs and devices; require emergency room personnel to provide emergency contraception services to victims of sexual assault; and require pharmacies to fill prescriptions for emergency and other forms of contraception.

In her comment letter, Madigan said the proposed regulation disregards the position of respected authorities, including the American Medical Association and the American College of Obstetricians and Gynecologists, instead relying on an individual's own definition of abortion, which raises the risk that medical practitioners or even entire medical facilities could refuse to make contraception services available to patients.

"This proposal effectively blocks state laws in our state designed to ensure that women have access to basic, needed health care services," Madigan said. "I strongly urge rejecting this proposed regulation."

HHS is expected to rule on the proposal later this fall. Madigan said legislators and concerned constituents can publicly comment on the proposed regulation until Sept. 25, 2008, by sending a letter to:

Secretary Michael O. Leavitt
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

