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**Madigan, State Attorneys General, ACLU, Planned Parenthood Ask Federal Court To  
Block Rule That Would Deny Critical Health Care Information to Women**

*Pending Rule Undercuts State Contraception Laws and Jeopardizes Billions of Dollars in  
Federal Public Health Money*

Chicago – Illinois Attorney General Lisa Madigan today joined with six other Attorneys General, the American Civil Liberties Union (ACLU), representing the National Family Planning & Reproductive Health Association, and the Planned Parenthood Federation of America, to reiterate their stand against the Bush Administration’s Health Care Denial Rule by filing lawsuits in federal court in Connecticut. The three separate lawsuits ask the Court to block the new Health and Human Services (HHS) Provider Conscience Rule, which would jeopardize women’s health by allowing providers to withhold critical information needed to make fully informed decisions about medical care.

The Bush regulation is scheduled to go into effect on Jan. 20, 2009, the day President-elect Obama takes office. As approved by the Bush Administration, the regulation expands the federal refusal law by allowing a range of health care workers and facilities to broadly define abortion according to the workers’ personal beliefs. The regulation would permit these practitioners to refuse to provide many critical reproductive care services, information and counseling – potentially even in emergency situations – including access to many common forms of birth control such as intra-uterine devices (IUDs) or Plan B emergency contraception. At the same time, it would allow refusing providers to decline to inform their employers or their patients of their objections to providing care.

“This eleventh-hour Bush administration regulation would severely limit women’s access to critical health care services,” Madigan said. “At a time when so many Americans are struggling

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to find affordable health care and millions of women need access to family planning services, I am extremely disappointed that President Bush put politics ahead of patients' rights and needs. If enforced, this regulation will disparately impact low-income, uninsured and under-insured women who rely on these programs for their health information and services. I look forward to working with President-elect Obama and his administration to rescind this regulation and restore these basic rights for those who need it most."

"This last-minute attempt to undermine access to health care for millions of women in America is unwise and unacceptable," said Lorie A. Chaiten of the American Civil Liberties Union of Illinois. "For years, federal law recognized a critical balance between respect for the religious values of *individual* health care providers and the needs of patients who may not share those religious views. The Bush rule takes patients' health needs out of the equation."

"As one of the leading women's health care providers and advocates, Planned Parenthood will not stand by and watch the Bush Administration deny quality, affordable health care and accurate information to women," said Steve Trombley, President & CEO of Planned Parenthood of Illinois (PPIL). "This regulation creates a dangerous space for ideology and political views to be inserted into medical practices, emergency rooms, and clinics all across the country, and when that happens, women suffer."

The rule would change 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 new rule also conflicts with several important 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.

During a 30-day comment period prior to the passage of the rule in December, HHS received more than 200,000 comments overwhelmingly opposing the rule, including comments from major medical associations such as the American Medical Association and the American College of Obstetricians and Gynecologists, women's health organizations, members of Congress, state governors and attorneys general, the Equal Employment Opportunity Commission, religious advocates and the general public. Madigan submitted comments opposing the rule and raising significant concerns regarding the rule's impact on women seeking critical care.

HHS disregarded the requests for changes to the rule and scheduled the rule for implementation. The final rule fails to address the critical concerns raised in these comments, including questions concerning whether the rule prevents states from enforcing laws enacted to protect access to reproductive health care, whether the rule allows providers to refuse care even in emergency situations, and whether women seeking family planning services at federally funded health centers are still assured counseling for abortion care if they request it.

The lawsuits allege that the regulation is illegal for several reasons, pointing out that HHS has failed to clarify the definition of abortion used in the rule or even what medical procedures are

covered under the rule. The complaints assert that because the regulation is vague, states cannot determine what conduct will result in the withholding of federal funds. As a result, states cannot make a knowing decision about whether to comply with the regulation or forego federal funding, jeopardizing billions of dollars.

The lawsuits also assert that the rule interferes with a woman's constitutional right to be free of impermissible government interferences when seeking reproductive health services, including contraception.

These lawsuits ask the court for injunctive relief, prohibiting the federal government from implementing the rule. Madigan joined in the lawsuit led by the Connecticut Attorney General and also joined by the Attorneys General of California, New Jersey, Rhode Island, Massachusetts and Oregon.