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Document Outlines HHS Plan for Abortion and Transgender Mandates with No Religious Exemptions

HHS Promises Aggressive New Rule for Spring 2022

CASTLE ROCK, Colo., November xx, 2021 -- The Catholic Benefits Association has uncovered an aggressive transgender and surgical abortion agenda for HHS mandates forthcoming by April 2022. This sweeping super regulation will impact most areas of health care from employer benefit plan coverage to mandated performance of morally problematic medical procedures. It also includes a direct attack on the religious conscience rights of all faith-based employers, healthcare providers, and hospitals.

Responding to a motion in an ongoing lawsuit filed by the Whitman-Walker Clinic, HHS discloses how it plans to implement a culture war agenda using section 1557 of the Affordable Care Act. Citing a seventy-four-page memo from The Leadership Conference, HHS acknowledges that it provides the roadmap to a Spring 2022 mandate that will expand the 2016 Obama gender transition services regulation and rescind the 2020 Trump regulation (that had trimmed back the 2016 rule).

The document was prepared by thirty activist organizations, including the Center for American Progress, the Center for Reproductive Rights, the Human Rights Campaign, the National Center for Transgender Equality, Planned Parenthood Federation of America, the Southern Poverty Law Center, and the Whitman-Walker Institute. It contends that the 2022 Rule should aggressively mandate coverage and performance of surgical abortion, gender transition surgeries, gender-affirming cosmetic surgery, cross-sex hormones, and fertility treatments. The document also contends that the new regulation should mandate coverage for contraceptives, abortifacients, sterilization, and related counseling.

The document specifically calls for expanding essential benefits in employer health plans and requiring the actual performance of services by healthcare professionals and hospitals. Healthcare providers, hospitals, health insurers, their third-party administrators, and any entities that contract with this list will be required to conform.

The Leadership Conference argues against any religious exemption and urges HHS to ignore the Religious Freedom Restoration Act (just as it has ignored the Weldon Amendment) when issuing its regulation. It also directly attacks the Ethical and Religious Directives that provide moral guidance to Catholic hospitals. It also does not include a grandfather plan exemption. In addition, it suggests that those enforcing the new rule need not prove actual discrimination but only disparate impact. Crushing fines for noncompliance, similar to previous HHS mandates, will apply.

The Catholic Benefits Association (CBA), a membership organization that advocates and litigates in defense of First Amendment religious rights, discovered this unpublished document. CEO, Doug Wilson, stated that, "We are again faced with forces single-mindedly working to cancel Catholic values around the dignity of life, marriage, family, and the very nature of the human person. It should be a warning to all that politicly appointed individuals, not accountable

to voters, are again enacting repressive mandates that trample constitutional protections in an effort to implement an ideological agenda at odds with the will of most Americans.”

When implemented, the proposed 2022 Super Rule will directly impact all employers with health plans, insurers, third-party administrators, self-funded plans, FFA recipients (including subcontractors of recipients), Medicare providers, Catholic hospitals, and health care providers.

The CBA is an association of Catholic dioceses and parishes, their affiliates, religious institutes, and private Catholic employers nationwide, committed to maintaining Catholic values within their organizations. Through religious liberty protections, legal advocacy, and human resources consultation, CBA provides member organizations protections that support their First Amendment right to religious liberty as Catholic employers.

Wilson stated that, “CBA has a record of success in defending the rights of our 73 Dioceses, 5,000 plus parishes, over 1,100 church affiliated organizations, and privately owned Catholic companies. We will carefully follow this development and be ready to take whatever action is needed.”

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