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Phoenix bishop gives ultimatum to hospital

Michael Clancy | Dec. 16, 2010

Bishop Thomas Olmsted (CNS)

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The Phoenix diocese released the following statement Friday:

> The Diocese of Phoenix has been in continuing conversation with Catholic Healthcare West about their Catholic identity and adherence to the teachings of the Church regarding their facilities within the Diocese of Phoenix. Late on Thursday, Dec. 16, Bishop Thomas J. Olmsted was in receipt of further communication from Catholic Healthcare West officials. Given the ongoing communication and attempts to rectify the situation, Bishop Olmsted is extending his deadline until Tuesday, Dec. 21.

PHOENIX -- St. Joseph?s Hospital and Medical Center here is on a Friday deadline for an ultimatum that could determine whether it can remain a Catholic hospital.

As of Thursday afternoon, Bishop Thomas Olmsted of Phoenix was waiting for hospital administrators to respond to an ultimatum he had sent the month before. Olmsted has been in a dispute with the hospital over a medical procedure performed at the hospital last year that the bishop deemed an abortion.

Olmsted?s chief complaint is that hospital has ?not acknowledged my authority to settle this question.?

His ultimatum: The hospital must comply with three demands or St. Joseph?s Hospital and Medical Center, one of the largest hospitals in the Phoenix area, would lose its Catholic status. The deadline is tomorrow, Friday.

His demands:

- The hospital must ?acknowledge in writing? that the procedure was an abortion.
- The hospital must agree to a diocesan certification process to guarantee compliance with Catholic doctrine.
- The hospital must provide its medical personnel with ongoing training in the Catholic directives

governing health care, ?as overseen by either the National Catholic Bioethics Center or the Medical Ethics Board of the diocese of Phoenix.?

Spokespersons for the diocese and hospital confirmed Wednesday that they are in discussions and working to find a resolution.

The medical procedure in question took place in November 2009. A patient with pulmonary hypertension was pregnant, and as the pregnancy made her condition worse, the chances of her survival, and the fetus?, had slipped ever closer to zero.

Doctors recommended terminating the pregnancy, and got the approval of Mercy Sr. Margaret Mary McBride, a hospital administrator who served on the ethics committee. The surgery was done, and the mother survived.

When Olmsted found out, he declared McBride and other Catholics who participated in the procedure to be excommunicated. He then embarked on a series of meetings with hospital officials to discuss the issues, which culminated in the ultimatum. (See *NCR*'s story: Nun excommunicated for allowing abortion [1].)

St. Joseph?s has since argued that the surgery was an indirect abortion, as would be done in removing a cancerous tumor or a portion of a blocked fallopian tube. The hospital believes there was no intention to terminate the fetus? life, that it was an unfortunate side effect of the life-saving surgery.

McBride remains a vice president of the hospital and a Sister of Mercy in good standing. She has not commented on the matter.

The demands for compliance were contained in a Nov. 22 letter that Olmsted sent to Lloyd Dean, president of Catholic Healthcare West, St. Joseph?s parent company.

Thus far, St. Joseph?s and Catholic Healthcare West have not complied with the bishop?s demands. ?There cannot be a tie in this debate,? Olmsted wrote. ?Until this point in time, you have not acknowledged my authority to settle this question.?

St. Joseph?s and San Francisco-based Catholic Healthcare West would not comment on the letter.

If he were to revoke the hospital?s Catholic status, Olmsted said, he would prohibit Masses from being celebrated at the hospital, as well as the reservation of consecrated hosts. He said he would declare on diocesan Web sites that the hospital could no longer be considered Catholic. The bishop said ministry to the sick by priests and church ministers would continue as requested by patients, as it does at other hospitals.

How the loss of Catholic identity would affect the facility?s mission, funding and perception by patients and the public was not immediately clear.

In the November letter, Olmsted said that he did not believe Catholic Healthcare West intended to change its policies.

?Because of this, I must act now,? he wrote, to ensure ?no further such violations? take place at the hospital and to ?repair the grave scandal to the Christian faithful that has resulted from the procedure.?

Catholic Healthcare West is based in San Francisco, and Archbishop George Niederauer, who heads that archdiocese, was copied on the letter. The San Francisco archdiocese did not respond to a request for comment.

Rob DeFrancesco, communications director for the Phoenix diocese, confirmed the authenticity of the letter, a

copy of which was obtained by *The Arizona Republic*, the daily newspaper in Phoenix. He said letters between the bishop and others are confidential and declined to comment further.

St. Joseph?s has no official connection with the bishop, but it was founded by the Sisters of Mercy, a Catholic religious order.

Numerous Catholic institutions, from universities to hospitals to publications, including the *National Catholic Reporter*, view themselves as Catholic without being directly affiliated with the official church.

St. Joseph?s is the oldest hospital in the Phoenix area and, for more than 100 years, was the only Catholic hospital in the area until Catholic Healthcare West built and opened Mercy Gilbert Medical Center in 2006.

Chandler Regional Medical Center joined the group in 1999 but purposely remained a non-Catholic hospital that is not bound by Catholic health-care directives.

Catholic Healthcare West was formed in 1986 to merge control of hospitals, including St. Joseph?s, run by two groups of Sisters of Mercy. The eighth-largest hospital provider in the nation, it makes nearly all its money from patient payments for treatment and does not rely on local dioceses to fund its hospitals.

But even though the hospital does not fall directly under diocesan control, the bishop, under church law, enjoys wide discretion in overseeing local institutions that identify themselves as Catholic. In his letter, he refers numerous times to his authority as bishop.

He writes, ?Your actions communicate to me that you do not respect my authority to authentically teach and interpret moral law in this diocese.?

The bishop also restated concerns he has raised in the past about Chandler Regional Hospital and its failure to adopt the Catholic directives. He pushed Catholic Healthcare West to move to put those rules in place in Chandler.

?The irony of our present state of affairs is that an organization that identifies itself as ?Catholic? [Catholic Healthcare West] is operating a hospital in my diocese that does not abide? by the directives, the bishop wrote.

At least one other bishop has removed a hospital from the Catholic rolls. Early this year, Bishop Robert Vasa of Baker, Ore., removed church support from St. Charles Hospital in Bend, Ore.

The hospital was performing tubal ligations at the request of patients, which the church does not permit. St. Charles officials said that they will continue to follow church directives when possible, but added that their primary responsibility is to provide comprehensive care to the community. Presumably, St. Joseph?s would do the same if it loses its status as a Catholic hospital.

[Michael Clancy is a reporter for *The Arizona Republic* *[2]*.]

Dec. 22: **Phoenix hospital to continue 'faithful mission'** [3]

Dec. 22: **Catholic Health Association backs Phoenix hospital**
[4]

Dec. 21: **Phoenix bishop removes hospital's Catholic status** [5]

Dec. 16 and 17: **Phoenix bishop gives ultimatum to hospital** [6].

For Olmsted's full statement, **click here** [7] for a PDF file.

For a copy of Olmsted's official decree removing the hospital's Catholic status, **click here** [8].

For a copy of the bishop's letter of demands to the hospital, **click here** [9] for a PDF file.

For the hospital's full statement, **click here** [10] for a PDF file.

For the hospital's answers to frequently asked questions about Bishop Olmsted's announcement, **click here** [11] for a PDF file.

For more information on the Phoenix hospital and Bishop Olmsted, see our previous stories:

- Bishops' doctrine committee: 'direct abortion always wrong' [12], June 24
- Canon lawyers assess ?automatic? penalty for nun who approved an abortion [13], June 22
- Ethicists fault bishop?s action in Phoenix abortion case [14], June 8
- Thomas J. Olmsted: Portrait of a 'policy-driven' bishop [15], June 3
- Shades of grey in a world of apparent absolutes [16], May 26
- Nun excommunicated for allowing abortion [17], May 18

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