NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

# Catholic Health Association: New contraceptive mandate signals 'progress'

Joshua J. McElwee | Feb. 13, 2013 NCR Today

Changes made by the Obama administration to a federal mandate requiring contraceptive coverage in health care plans represent "substantial progress," the Catholic Health Association said in a statement Wednesday afternoon.

The mandate, a provision of the U.S. Department of Health and Human Services as part of the implementation of the health care reform law, has been the subject of sustained criticism from the U.S. bishops' conference, which has claimed it does not do enough to exempt religious organizations opposed to contraception.

The Obama administration announced [1] a new set of compromises on the matter for religious groups Feb. 1, exempting all religious organizations not required to file tax returns from the mandate.

Additionally, the administration said that any nonprofit organizations that oppose providing coverage and consider themselves to be religious entities will be also exempt.

The bishops' conference said [2] Feb. 7 that although the bishops "remain eager" to work with the administration on the issue, they believe the latest compromises still fall short.

Daughter of Charity Sr. Carol Keehan, president of the Catholic Health Association, said [3] Wednesday that while her organization is still studying the new regulations, some of their provisions are "a great relief to our members and many others."

Specifically, said Keehan, the fact that the new proposed regulations use the tax code to define religious organizations and allow non-profits to certify themselves as religious entities are signs of "substantial progress."

The Obama administration previously announced a narrower compromise in February 2012, which would have allowed some religiously affiliated organizations to decline providing coverage.

Bishops and others who opposed that compromise said its definition of religious employers as those who primarily inculcate religious values and primarily serve or employ members of the religious was too narrow.

Keehan said Wednesday that her organization has been asked by the administration to provide input on parts of the new proposed regulations which are still being finalized.

After the release Feb. 1, the new regulations have been opened to a 60-day public comment period.

Keehan also obliquely rebutted any speculation that her organization had experienced difficulties with the bishops over each other's views on the mandate.

"Throughout this sometimes challenging period, CHA has remained in constant dialogue with the leadership of

the Unites States Conference of Catholic Bishops, individual Bishops who had concerns and suggestions and the Administration," wrote Keehan.

"We believe that our commitment to dialogue to an acceptable solution is matched by all parties and we are committed to completing resolution of this issue," she continued.

Keehan concluded: "CHA is also aware that the issues that we have as a ministry are narrower than the broader concerns of the Bishops' Conference. Our mutual efforts to resolve the issues affecting our ministries are our contribution to the overall process."

"CHA looks forward to working with our members, the leadership of the Bishops' Conference and the Administration to complete this process."

In their statement Feb. 7, the bishops raised issue with a distinction in the proposed mandate between religious employers and nonprofit religious organizations, pointing to a difference between the notions of "exemption" and "accommodation."

"The Administration's proposal maintains its inaccurate distinction among religious ministries. It appears to offer second-class status to our first-class institutions in Catholic health care, Catholic education, and Catholic charities," wrote Cardinal Timothy Dolan of New York, president of the U.S. bishops' conference.

"HHS offers what it calls an 'accommodation,' rather than accepting the fact that these ministries are integral to our Church and worthy of the same exemption as our Catholic churches," Dolan said.

Dolan, along with a number of other American bishops, has taken a strident tone toward the administration over the mandate in the last year. After the initial release of the mandate in January 2012, several bishops painted the matter as an assault on religious freedom.

Bishop David Zubik of Pittsburgh wrote [4] at the time that the administration had essentially said " 'To hell with you' to the Catholic faithful of the United States." Bishop Daniel Jenky of Peoria, Ill., called it an "unprecedented governmental assault upon the moral convictions of our faith."

Taking up the matter as a whole, the U.S. bishops launched a "Fortnight for Freedom" in June and July, asking Catholic dioceses to address the matter with "prayer, study, catechesis, and peaceful public action."

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