

An unconscionable conscience rule

December 26 2008

Doctors take an oath to put their patients' interests first. A new Bush administration rule will change that. The so-called "conscience rule" is one of a host of last-minute regulatory changes being made in the waning hours of President George W. Bush's tenure in office.

The rule prohibits recipients of federal money from such programs as Medicare and Medicaid from taking any sort of disciplinary action against doctors, nurses or pharmacists who refuse to perform certain duties because of their convictions.

Under the rule, pharmacists are allowed to refuse to fill a prescription for contraceptives or for medications associated with medical abortion. A doctor can refuse to tell a pregnant patient about the availability of abortion even if the patient asks about it and even if a continued pregnancy threatens the patient's life.

On the other side of the equation, the rights of some patients will be sacrificed. Some poor women, especially those who live in rural areas with limited access to care, will be unable to get complete information or get some prescriptions filled because of the new rule.

In some cases, a physician's medical decisions could, in essence, be overridden by a pharmacy technician invoking the new rule and refusing to provide prescribed drugs.

Offering appropriate abortion counseling or contraceptives is part of the standard of care for a wide range of health conditions, including heart

disease, diabetes and epilepsy. The new rule would allow some doctors to choose a lesser standard.

That's dangerous and unnecessary. There already exists a large body of case law that protects the religious rights of medical practitioners. This ill-considered new rule goes beyond that. It could make it harder for hospitals to discipline incompetent doctors by transforming disciplinary hearings from investigations of medical competence into arguments about religious persecution.

Michael O. Leavitt, the Bush administration secretary for Health and Human Services, lauded the rule last week. "Doctors and other health care professionals shouldn't be forced to choose between good professional standing and violating their conscience," he said.

No such conflict should exist. Doctors, nurses and pharmacists choose professions that put patients' rights first. If they foresee that priority becoming problematic for them, they should choose another profession.

President-elect Barack Obama's administration can and should rescind the rule, even though the process will take time. Decisions about care are best made by a patient and a health care provider who places that patient's best medical interests above any other issue.

© 2008, *St. Louis Post-Dispatch*.

Visit the Post-Dispatch on the World Wide Web at www.stltoday.com

Distributed by McClatchy-Tribune Information Services.

<https://medicalxpress.com/news/2008-12-unconscionable-conscience.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.