

# Obama administration stands by contraception rule

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Photo: U.S. Supreme Court

(HealthDay)—The Obama administration on Friday contested U.S. Supreme Court Justice Sonia Sotomayor's decision temporarily exempting an order of Catholic nuns from the Affordable Care Act's contraception mandate.

Under the health-reform law, most employer health plans are required to cover U.S. Food and Drug Administration-approved birth control at no out-of-pocket cost to employees. Large employers face a potential tax if they do not comply. However, the Obama administration has established an exemption for group health plans offered by a "religious employer."

The Little Sisters of the Poor Home for the Aged, a Denver-based order of Catholic nuns that runs nursing homes for the elderly, argued that it should not be forced to participate in the mandate in any way.

Sotomayor's last-minute order, issued just before the Jan. 1 coverage requirement took effect, temporarily prevents the administration from enforcing the mandate. Responding to the order, the U.S. Justice Department said the nuns' request for relief should be denied because it isn't "necessary or appropriate."

"In particular, with the stroke of their own pen, the applicants can secure for themselves the relief they seek from this Court—an exemption from the requirements of the contraception coverage provision," the department stated. In other words, to gain an exemption, the nuns need only sign a "certification form" expressing their religious objection to contraceptive coverage, U.S. Solicitor General Donald Verrilli explained in court papers.

Mark Rienzi, the Little Sisters' lead counsel and senior counsel for The Becket Fund for Religious Liberty in Washington, D.C., blasted the Obama administration's position. "The government demands that the Little Sisters of the Poor sign a permission slip for abortion drugs and contraceptives, or pay millions in fines," he said in a statement issued Friday. "The Sisters believe that doing that violates their faith, and that they shouldn't be forced to divert funds from the poor elderly and dying people they've devoted their lives to serve."

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