

FREEDOM FROM RELIGION *foundation*

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November 12, 2018

Submitted via www.regulations.gov

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-9922-P
P.O. Box 8016
Baltimore, MD 21244-8010

Re: Comment on proposed double-billing rule, file code CMS-9922-P

To whom it may concern:

On behalf of the 32,000 members of the Freedom From Religion Foundation, please accept the below comment on the Centers for Medicare & Medicaid Services proposed rule (file code CMS-9922-P). FFRF's members are freethinkers (nonbelievers, atheists, agnostics and secularists) who support the constitutional principle of separation between state and church.

It would be shocking and unethical to require insurers to send customers a separate bill listing the monthly cost of abortion coverage and requiring separate payment. Such a proposal is clearly the scenario of a religiously-fueled, antiabortion fanaticism. There is no place for such a mandate in a nation which must separate governmental policy from religious doctrine.

The proposed rule is camouflaged as a supposed protection for rights of conscience necessary to bring practice into compliance with the law. Neither is true.

First, this rule is most assuredly not about protecting rights of conscience. It is promulgated for the opposite reason: to stigmatize women for exercising their constitutional right to choose when and whether to become a mother. The Supreme Court has rejected arguments that religion is a viable excuse for failing to pay taxes because one's religion condemns war, for example. *See United States v. Lee*, 455 U.S. 252, 260 (1982) (holding that the "tax system could not function if denominations were allowed to challenge the tax system because tax payments were spent in a manner that violates their religious belief."). *Roe v. Wade* is the law of the land. Abortion is not a crime, and there is no purpose fulfilled in the proposed rule except to ultimately make it more burdensome for women to pay for legal abortion care. In short, this is an anti-abortion witch hunt.

Second, the rule is clearly intended to damage the Affordable Care Act, not aid in its implementation. The rule is burdensome and confusing. Getting two monthly bills and forcing two separate payments for the same insurance premium is, to be blunt, preposterous. There is no legitimate reason to increase the hassle to customers and insurers.

The true motive of this proposed rule is obvious: This is an attempt to turn public opinion against insurance coverage and access to safe medical care to end unwanted pregnancies.

What next? Will the administration be proposing separate billing for other “unbiblical” procedures in the same patriarchal vein, such as epidurals for childbirth? After all, in Genesis 3:16 the biblical deity tells women, “I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children.” What about a separate billing for contraceptive coverage that Roman Catholics or other Christian extremists might object to? If we are going to force separate billing based on religious objections, why not mandate separate billing for covered religious practices, such as for people who get sick after refusing vaccinations? Why not mandate separating out billing for Christian Science practitioners, or for religiously-required circumcisions?

This proposed rule is burdensome, unnecessary, and would create havoc for both the customer and insurer. A supposedly pro-business, pro-freedom administration should not be advocating a rule that will drive up costs for insurance companies and insurees alike, for no legitimate secular reason.

This is not a door that CMS should open. Insurance premiums already show the abortion “surcharge,” and that is wrong. More respect for medical care for women is what is needed, instead of this unjustifiable and intrusive proposal.

Sincerely,



Annie Laurie Gaylor
Co-President

Freedom From Religion Foundation on behalf of 32,000 members